

CODE OF ORDINANCES
OF
DANBURY, CONNECTICUT

Published in 2018 by Order of the City Council

municode

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OFFICIALS

of the

CITY OF DANBURY, CONNECTICUT

AT THE TIME OF THIS RECODIFICATION

Mark D. Boughton
Mayor

Bruce Bennett (R) (At Large)
Colleen Stanley (R) (At Large)
Warren M. Levy (R) (At Large)
Philip D. Curran (R) (At Large)
Robert J. Taborsak (D) (At Large)
Michael J. Esposito (R) (At Large)
Andrew R. Wetmore (R) (At Large)
John D. Priola (R) (1st Ward)
Irving M. Fox (R) (1st Ward)
Vinny DiGilio (R) (2nd Ward)
Elmer Palma (R) (2nd Ward)
Christopher J. Arconti (R) (3rd Ward)
Joe Cavo (R) (3rd Ward)
Thomas J. Saadi (D) (4th Ward)
John J. Esposito III (D) (4th Ward)
Duane E. Perkins (D) (5th Ward)
Frederick L. Visconti Jr. (D) (5th Ward)
Benjamin Chianese (D) (6th Ward)
Paul T. Rotello (D) (6th Ward)
Nancy M. Cammisa (R) (7th Ward)
Joseph L. Scozzafava (R) (7th Ward)
City Council

Janice R. Giegler
Town Clerk

Jean A. Natale
Legislative Assistant

Daniel P. Jowdy
Treasurer

Mary Ann Doran
Margaret Gallo
Registrar of Voters

PREFACE

This Code constitutes a recodification of the general and permanent ordinances of the City of Danbury, Connecticut.

Source materials used in the preparation of the Code were the 1961 Code, as supplemented through February 3, 2009, and ordinances subsequently adopted by the city council. The source of each section is included in the history note appearing in parentheses at the end thereof. The absence of such a note indicates that the section is new and was adopted for the first time with the adoption of the Code. By use of the comparative tables appearing in the back of this Code, the reader can locate any section of the 1961 Code, as supplemented, and any subsequent ordinance included herein.

The chapters of the Code have been conveniently arranged in alphabetical order, and the various sections within each chapter have been catchlined to facilitate usage. Notes which tie related sections of the Code together and which refer to relevant state law have been included. A table listing the state law citations and setting forth their location within the Code is included at the back of this Code.

Chapter and Section Numbering System

The chapter and section numbering system used in this Code is the same system used in many state and local government codes. Each section number consists of two parts separated by a dash. The figure before the dash refers to the chapter number, and the figure after the dash refers to the position of the section within the chapter. Thus, the second section of chapter 1 is numbered 1-2, and the first section of chapter 6 is 6-1. Under this system, each section is identified with its chapter, and at the same time new sections can be inserted in their proper place by using the decimal system for amendments. For example, if new material consisting of one section that would logically come between sections 6-1 and 6-2 is desired to be added, such new section would be numbered 6-1.5. New articles and new divisions may be included in the same way or, in the case of articles, may be placed at the end of the chapter embracing the subject, and, in the case of divisions, may be placed at the end of the article embracing the subject. The next successive number shall be assigned to the new article or division. New chapters may be included by using one of the reserved chapter numbers. Care should be taken that the alphabetical arrangement of chapters is maintained when including new chapters.

Page Numbering System

The page numbering system used in this Code is a prefix system. The letters to the left of the colon are an abbreviation which represents a certain portion of the volume. The number to the right of the colon represents the number of the page in that portion. In the case of a chapter of the Code, the number to the left of the colon indicates the number of the chapter. In the case of an appendix to the Code, the letter immediately to the left of the colon

indicates the letter of the appendix. The following are typical parts of codes of ordinances, which may or may not appear in this Code at this time, and their corresponding prefixes:

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CODE	CD1:1
CODE APPENDIX	CDA:1
CODE COMPARATIVE TABLES	CCT:1
STATE LAW REFERENCE TABLE	SLT:1
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Indexes

The indexes have been prepared with the greatest of care. Each particular item has been placed under several headings, some of which are couched in lay phraseology, others in legal terminology, and still others in language generally used by local government officials and employees. There are numerous cross references within the indexes themselves which stand as guideposts to direct the user to the particular item in which the user is interested.

Looseleaf Supplements

A special feature of this publication is the looseleaf system of binding and supplemental servicing of the publication. With this system, the publication will be kept up to date. Subsequent amendatory legislation will be properly edited, and the affected page or pages will be reprinted. These new pages will be distributed to holders of copies of the publication, with instructions for the manner of inserting the new pages and deleting the obsolete pages.

Keeping this publication up to date at all times will depend largely upon the holder of the publication. As revised pages are received, it will then become the responsibility of the holder to have the amendments inserted according to the attached instructions. It is strongly recommended by the publisher that all such amendments be inserted immediately upon receipt to avoid misplacing them and, in addition, that all deleted pages be saved and filed for historical reference purposes.

Acknowledgments

This publication was under the direct supervision of Roger D. Merriam, Code Attorney, and Shelly Hayes, Editor, of the Municipal Code Corporation, Tallahassee, Florida. Credit is gratefully given to the other members of the publisher's staff for their sincere interest and able assistance throughout the project.

The publisher is most grateful to Mr. Eric Gottschalk, Special Counsel, Mr. Les Pinter, Deputy Corporation Counsel, and Ms. Jean A. Natale, Legislative Assistant, for their cooperation and assistance during the progress of the work on this publication. It is hoped that their efforts and those of the publisher have resulted in a Code of Ordinances which will make the active law of the city readily accessible to all citizens and which will be a valuable tool in the day-to-day administration of the city's affairs.

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***Editor's note**—Printed in part I is the Charter, as approved by the voters on November 3, 2009, and effective on December 3, 2009. Amendments are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original. Obvious misspellings have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform, as appearing in the Code of Ordinances. Additions for clarity are indicated by brackets.

State law reference—Municipal charters and special acts, C.G.S. § 7-187 et seq.

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PREAMBLE

We, the people, of the City of Danbury, in the County of Fairfield and State of Connecticut, mindful of the ideals of our predecessors and grateful for their labors, do hereby adopt this charter to define the manner in which our government shall be formed, operated, and maintained. It is our intent to provide a framework for city government, to grant specific authority to elected officials, and to enable those entrusted with the operation of the City to plan, prepare and provide for the needs of our community. We believe in strong political leadership, in a representative council, and in the right of every citizen to be part of the decision making process. We insist on high ethical standards, the professional management of our human, fiscal and natural resources and, in return, expect that this will ensure the proper and efficient growth of our City.

CHAPTER I. INCORPORATION AND GENERAL POWERS

Sec. 1-1. Incorporation.

All the inhabitants dwelling within the territorial limits of the City of Danbury, shall continue to be a body politic and corporate under the name of the "City of Danbury," hereinafter called "the City," and as such shall have perpetual succession and may hold and exercise all powers and privileges heretofore exercised by said City and not inconsistent with the provisions of this Charter, the additional powers and privileges herein conferred and all powers and privileges conferred upon municipal corporations under the general law of the State of Connecticut.

Sec. 1-2. Territorial limits.

The territorial limits of the City of Danbury are as follows:

Commencing at the point formed by the intersection of the boundary lines between the City and Town of Danbury, the Town of New Fairfield, and the State of New York, thence proceeding as follows: North 74 degrees East a distance of 12,750 feet more or less to a point;

thence North 73 degrees 30 minutes East a distance of 18,400 feet more or less to a point, which is the common bound between the said Danbury, the said Town of New Fairfield, and the Town of Brookfield; thence South 14 degrees 30 minutes East a distance of 12,407 feet more or less to a point on the North side of Federal Road; thence South 75 degrees 45 minutes East a distance of 2,570 feet more or less to a point marking the common bound between the said Danbury, the said Town of Brookfield, and the Town of Bethel; thence South 4 degrees East a distance of 4,878 feet more or less to the intersection of Interstate Route # 84 with Payne Road; thence generally in a southerly direction along the said Payne Road a distance of 5,100 feet more or less to a point; thence due West a distance of 750 feet more or less to East Swamp Brook; thence in a southerly direction along said East Swamp Brook a distance of 2,200 feet more or less to its intersection with East Swamp Road; thence South 38 degrees 45 minutes West a distance of 6,800 feet more or less to a point, said point lying on the New York, New Haven and Hartford railroad line of tracks; thence generally in a westerly direction a distance of 2,800 feet more or less to Coalpit Hill Road; thence 2,200 feet more or less in a southwesterly direction to a point; thence South 12 degrees 45 minutes East a distance of 13,700 feet more or less to a point, said point marking the common bound between the said Danbury, the said Town of Bethel, and the Town of Redding; thence South 75 degrees 30 minutes West a distance of 12,500 feet more or less to a point, marking the common bound between the said Danbury, the said Town of Redding, and the Town of Ridgefield; thence North 23 degrees 45 minutes West a distance of 11,825 feet more or less to a point; thence North 68 degrees 15 minutes West a distance of 4,757 feet more or less to a point adjacent to Pine Mountain Road; thence North 15 degrees West a distance of 5,736 feet more or less to a point; thence South 85 degrees 30 minutes West a distance of 9,800 feet more or less to a point, marking the common bound between said Danbury, the Town of Ridgefield, and the State of New York; thence in a northerly

direction a distance of 23,700 feet more or less along the boundary marking the State of New York to the point of beginning. All references hereinabove are to true North.

Sec. 1-3. Rights and obligations.

All property, both real and personal, all rights of actions and rights of every description and all securities and liens in said City as of the effective date of this Charter are continued. The City shall continue to be liable for its debts and obligations whether accrued or not. Nothing herein shall be construed to affect the right of the City to collect any assessment, charge, debt or lien. If any contract has been entered into by the City prior to the effective date of this Charter, or any bond or undertaking has been given by or in favor of said City which contains provision that the same may be enforced by any office or agency therein named, which is abolished, such contracts, bonds, or undertakings shall continue in full force and effect. The powers conferred and the duties imposed with reference to the same upon any such office or agency shall, except as otherwise provided in this Charter, thereafter be exercised and discharged by the Mayor of said City.

Sec. 1-4. General grant of powers.

In addition to all powers granted to towns, cities and boroughs under the constitution and general law, the City shall have all powers specifically granted by this Charter and all powers fairly implied in or incident to the powers expressly granted, and all powers granted to the City by Special Acts not inconsistent with the provisions of this Charter, and all other powers incident to the management of the property, government and affairs of the City, including the power to enter into contracts with the United States or any federal agency, other states or political subdivisions, and the State of Connecticut or any political subdivision thereof, for services and the use of facilities, the exercise of which is not expressly forbidden by the constitution and general law of the State of Connecticut. The enumeration of particular powers in this and any other chapter of this Charter shall not

be construed as limiting this general grant of power but shall be considered as an addition thereto.

CHAPTER II. ELECTIONS AND OFFICERS

Sec. 2-1. Federal and state officers.

Nomination and election of federal and state officers, including two registrars of voters, justices of the peace, judge of probate, state senators and representatives shall be conducted, and the registrars of voters shall prepare lists of electors qualified to vote therefor, in the manner prescribed in the constitution, general and special laws of the State of Connecticut, applicable to the City of Danbury.

Sec. 2-2. Municipal elections.

A. A general City election shall be held on the first Tuesday after the first Monday of November in each odd year. The following officers shall be elected for the terms specified at such election or at the election otherwise stated.

- a. A Mayor who shall serve a term of two (2) years.
- b. A City Council consisting of twenty-one (21) members, two (2) from each ward, and seven (7) at large, all of whom shall serve a term of two (2) years. There shall be minority representation among the members of the City Council, as set forth herein. The maximum number of at large members of the City Council who may be members of the same political party shall be as specified in the following table:

<i>Column I</i>	<i>Column II</i>
<i>Members of the same political party elected in seven wards</i>	<i>Maximum number of at large members of same political party</i>
14	4
13	5
12	6
11 or fewer	7

The provisions of section 9-167a C.G.S. [C.G.S. § 9-167a] shall govern the method of determining the election of the at large members.

- c. (1) A Board of Education consisting of eleven resident electors of the City. At the first general City election to be held after the effective date hereof, there shall be elected two (2) members of the Board of Education for a term of four (4) years and one (1) member for a term of two (2) years. At the second such general City election there shall be elected five (5) members for terms of four (4) years. At the third such general City election, there shall be elected six (6) members for terms of four (4) years. Alternately thereafter at each biennial election, there shall be elected five (5) members and then six (6) members who shall hold office for a term of four (4) years to succeed those whose terms expire.
- (2) Nomination and election shall be governed by the process authorized in section 9-204a of the General Statutes [C.G.S. § 9-204a], as amended.
- d. A City Clerk who shall serve a term of two (2) years and who shall have the powers and duties prescribed by section 3-3 of this Charter. On December 3, 2009, the title of the position of City Clerk shall be changed to Legislative Assistant. Upon the expiration of the 2009 term of office the Legislative Assistant shall cease to be an elective office and thereafter the position shall be filled in accordance with the provisions of section 3-3 of this Charter.
- e. A Treasurer who shall serve a term of two (2) years and who shall have the powers and duties prescribed by section 6-1 of this Charter.
- f. Five (5) Constables who shall serve a term of two (2) years.
- g. A Town Clerk who shall serve a term of two (2) years.

- h. (1) A Zoning Commission consisting of nine (9) members who shall be electors of the City, all of whom shall serve a term of two (2) years.
- (2) Three (3) alternate members of the Zoning Commission who shall be electors of the City, all of whom shall serve a term of two (2) years.

The Zoning Commission shall have the powers and duties not inconsistent with this Charter, as prescribed in chapter 124 of the General Statutes, as amended.

B. The terms of all municipal officers shall commence at twelve (12[:00]) noon on the first business day of December following their election and they shall hold office until their successors have been chosen and qualified.

Sec. 2-3. Minority representation.

Minority representation on any elective or appointive board, commission, committee or similar body of the City shall be in conformity with the appropriate minority representation provisions of the General Statutes as may be in effect from time to time.

Sec. 2-4. Reapportionment of wards and voting districts.

The wards and voting districts as presently established shall continue through the general city election of 1991 and through any special elections which may be held before a reapportionment plan is adopted as provided in this section.

On or before February 15, 1992, and every ten years thereafter, there shall be designated a reapportionment advisory commission which shall prepare a plan to alter the boundaries of the various wards so as to make all wards substantially equal in population consistent with federal constitutional standards.

The reapportionment advisory commission shall consist of five members, all of whom shall be electors of the city. Two members shall be appointed by the majority leader of the City Council, and two members shall be appointed by the minority leader of the City Council, in the event that there are members of no more than

two political parties on the City Council. In the event that there are members of more than two political parties, or members of two political parties and members unaffiliated with a political party, the members of the City Council who are not a member of the majority political party shall select one of their number, which person shall designate two members of the commission in lieu of the designation by the minority leader. The four members so designated shall within thirty days unanimously select the fifth member.

On or before the September 30 next occurring, the reapportionment advisory commission shall submit a plan of reapportionment to the City Council, which plan shall be based upon the population figures as reported in the most recent U.S. census. No plan shall be submitted to the City Council unless it is certified by at least three members of the commission. Upon receiving the plan, the City Council shall consider the plan in the same manner as an ordinance. The plan submitted to the Council is of an advisory nature only, and shall not be binding upon the Council.

If the reapportionment advisory commission fails to submit a plan by September 30, the City Council shall prepare its own plan of reapportionment.

In any event, whether or not the reapportionment advisory commission submits a plan by September 30, the City Council shall consider and adopt a plan of reapportionment by March 1 next occurring.

Sec. 2-5. Tied elections.

When any regular or special municipal election, primary election or referendum conducted pursuant to the provisions of this Charter or of the General Statutes results in a tie, an adjourned election shall be conducted in accordance with the provisions of the General Statutes, as amended.

Sec. 2-6. Vacancies.

Except as otherwise provided in the Charter, any vacancy in any elective City office except the Board of Education, from whatever cause, shall

be filled within sixty (60) days by appointment by the City Council for the unexpired portion of the term. When the person vacating the office shall have been elected as a member of a political party, such vacancy, when filled by appointment, shall be filled by appointment of a member of the same political party.

Sec. 2-7. Eligibility.

No person shall be eligible for election to any City office who is not at the time of his election an elector of the City, and in the case of a member of the City Council elected from a ward, a resident of the ward to be represented. Any person ceasing to be a resident elector of said City, and/or ward, where such residence is required for eligibility, shall thereupon cease to hold elective office in the City or ward.

Sec. 2-8. The Town Clerk.

The Town Clerk shall have all the powers and duties prescribed by the General Statutes, this Charter and such other powers and duties as may be prescribed by the Council. The Mayor shall appoint and may remove, subject to the merit system in effect in the City, all assistants and employees of the office. The Town Clerk's compensation shall be set by the City Council and all fees collected shall be paid to the City.

Sec. 2-9. Oath of office of elective officers.

All elective officers of said City shall be sworn or affirmed to the faithful discharge of their duties. The following oath shall be administered: "You _____ having been elected _____ of the City of Danbury, do solemnly swear (or affirm) that you will faithfully discharge the duties of said office according to law, so help you God"; said oath may be administered by any duly constituted authority.

CHAPTER III. THE CITY COUNCIL

Sec. 3-1. The Council.

There shall be a Council consisting of twenty-one members, as provided in section 2-2, which

shall be vested with the legislative power of the City, hereinafter referred to as the City Council. The members of the City Council shall be compensated in an amount which will defray reasonable expenses incurred in performing their duties subject to provisions of section 7-460 of the General Statutes [C.G.S. § 7-460], as amended. Such compensation shall be determined by the preceding City Council.

Sec. 3-2. Presiding officer.

With the Mayor presiding, the City Council shall meet at eight [(8:00)] o'clock p.m. on the first Monday of December following each City election at which the City Council is elected, for the purposes of organization. At said organizational meeting one of the members of the City Council shall be chosen to be its President. The Mayor shall preside over all meetings of the City Council and shall have no vote except in case of a tie. The President shall preside over its meetings in the absence of the Mayor and the President shall exercise the powers and duties of the office of Mayor in the absence or disability of the Mayor. In the event of a vacancy in the office of Mayor, the President shall resign from the Council and assume the powers and duties of the Mayor until the next municipal election. The Council shall fill the President's vacancy for the remainder of the Council's term. Except in the event of a vacancy in the office of Mayor, during all periods when exercising the powers and duties of Mayor, the President shall retain his vote as a member of the City Council.

Sec. 3-3. Legislative Assistant.

On or after twelve (12) noon on the first business day of December 2011, the Mayor shall appoint, and by an affirmative vote of two-thirds ($\frac{2}{3}$) of those present and voting the City Council shall confirm, a Legislative Assistant. The Legislative Assistant shall not be subject to the merit system. The Legislative Assistant shall be the Clerk of the Council. The Legislative Assistant shall keep for public inspection copies of every proposed ordinance and a record of all proceedings including all roll call votes. All records so kept shall be authenticated by such Legislative Assistant or the President of the Council or both.

The Legislative Assistant shall be responsible for the publication of such notices of hearing and publication of ordinances as may be necessary and perform such other duties as the Council may determine.

Sec. 3-4. General powers and duties.

The City Council shall have the powers and duties which, on the effective date hereof, were conferred by law upon officers, boards and commissions of said City existing immediately prior to such date except as otherwise specifically provided in this Charter. The legislative power of the City shall be vested exclusively in the Council. Said Council shall have the power to enact, amend or repeal ordinances not inconsistent with this Charter or the General Statutes of the state; to create or abolish, by ordinance, boards, commissions, departments and offices not provided by the Charter, and the Council may, upon recommendation of the Mayor, contract for services and use of facilities of the United States or any federal agency, other states or political subdivisions, the State of Connecticut and any political subdivision thereof, or may, by agreement, join with any such political subdivisions to provide services and facilities. The Council is authorized, in adopting ordinances, to incorporate any nationally recognized codes, rules or regulations that have been printed in book form, or any code officially adopted by any administrative agency of the state, or any portion thereof, as they may be amended, by reference thereto in such ordinance; provided upon adoption of any such ordinance wherein such codes, rules or regulations or portions thereof have been incorporated by reference, there shall be maintained two (2) copies of such codes, rules or regulations, as amended, in the office of the Town Clerk for examination by the public. Said Council may by resolution regulate the internal operation of boards, commissions and offices which it fills by appointment, and fix the compensation of the registrars of voters and the officers and employees. Said Council may fix the charges, if any, to be made for services rendered by the City or for the execution of powers vested in the City as provided in chapter I of this Charter. Said Council shall also have all powers granted to municipalities by

sections 7-194 [C.G.S. § 7-194] and 7-148 [C.G.S. § 7-148] of the General Statutes, as amended, and any other powers conferred by the general law or special laws not inconsistent herewith. The Council, at each meeting, shall reserve the initial one half-hour period for the expression of views and opinions by residents or taxpayers of the City on the matters before the Council at such meeting. Any such public speaking session may be extended in the discretion of the presiding officer, provided however that the decision of the presiding officer may be reversed or modified by a majority vote of the City Council.

Sec. 3-5. General procedure.

At the first meeting of the City Council following each City election at which the City Council is elected, said Council shall by resolution fix the time and place of its regular meetings and provide a method for the calling of special meetings. All meetings of the Council for the transaction of business shall be open to the public and the votes shall be recorded as prescribed by section 1-225 of the General Statutes [C.G.S. § 1-225], as amended. All ordinances and resolutions shall be confined to one subject which shall be clearly stated in the title. The Council shall keep for public inspection a journal of all its proceedings, including all roll call votes, which shall be the official record of its proceedings. Said journal shall be maintained by the Legislative Assistant. The records so kept shall be authenticated for each meeting by the signature of both the President or the Legislative Assistant, or both.

Sec. 3-6. Quorum.

A majority of the members shall constitute a quorum.

Sec. 3-7. Enactment.

Except as otherwise provided herein, ordinances and resolutions shall be enacted by a majority vote. Every ordinance, after enactment and approval as herein provided, shall be filed with the Legislative Assistant and recorded, compiled and published by the Legislative Assistant as required by law and this Charter.

Sec. 3-8. Public notice and hearing.

At least one public hearing, notice of which hearing shall be given at least five (5) days but not more than fifteen (15) days in advance by publication in a newspaper having a general circulation in the City and by posting notice of such hearing in a public place, shall be held by the City Council before any ordinance is enacted except an emergency ordinance as provided in section 3-12.

Sec. 3-9. Approval of ordinances and appropriations by the Mayor.

Every ordinance enacted by the City Council except an emergency ordinance, or an ordinance relating to the Council or its procedures shall, before it becomes effective, be certified to the Mayor for approval within seventy-two (72) hours after enactment by the Council which period shall not include Saturdays, Sundays or legal holidays as designated by the General Statutes. The Mayor shall sign the proposed ordinance, if it is approved, whereupon, subject to the provisions of section 3-10 of this Charter, it shall become effective. If the Mayor disapproves a proposed ordinance, it shall be returned within five (5) days to the Legislative Assistant with a statement of the reasons for disapproval which statement shall be transmitted by said Legislative Assistant to the Council at its next meeting. If the Council shall pass the proposed ordinance by an affirmative vote of at least two-thirds ($\frac{2}{3}$) of the entire membership within seven (7) days after such ordinance has been returned with the Mayor's disapproval, it shall become effective without the Mayor's approval, subject to said section 3-10. If the Mayor does not return the proposed ordinance within the time required, it shall become effective without approval, subject to said section 3-10. The Mayor may disapprove or reduce any item or items in any appropriation, whereupon the approved portion of the appropriation shall become effective unless the disapproved or reduced portion thereof is passed by the Council over the Mayor's veto in the manner herein provided, in which case the entire appropriation shall become effective as finally passed.

Sec. 3-10. Publication of ordinances.

Every ordinance after enactment, as provided in section 3-7, and approval, as provided in section 3-9, shall, within ten (10) days, be published in its entirety in a newspaper having a general circulation in the City and, unless it shall specify a later date, become effective on the thirtieth (30th) day after such publication, subject to the provisions of section 3-11.

Sec. 3-11. Referendum.

Upon a petition of not less than ten (10) percent of the electors of the City filed with the Town Clerk within thirty (30) days after publication of any ordinance, asking that the ordinance be submitted to the voters of the City at its next regular or special meeting, the ordinance shall be so submitted and in such event it shall not become effective unless a majority of the voters voting at such meeting vote in favor thereof.

Any petition shall conform to the requirements of section 7-9 of the General Statutes [C.G.S. § 7-9], as amended, and shall contain the full text of the ordinance. All other matters concerning the referendum, including the manner, method or procedure of the referendum shall be governed by the General Statutes, as amended.

Sec. 3-12. Emergency ordinances.

An ordinance stated to be a public emergency measure for the purpose of meeting a public emergency threatening the lives, health or property of citizens and stating the facts constituting such public emergency shall become effective immediately after publication thereof as required in section 3-10 of this chapter and no public hearing or notice of public hearing shall be required for any public emergency ordinance provided such action shall be enacted by an affirmative vote of at least two-thirds of the entire membership of the City Council. Every such emergency ordinance including any amendments thereto, shall automatically terminate on the sixty-first (61st) day following final adoption of said ordinance.

Sec. 3-13. Committees.

All Committees of the City Council shall be ad hoc committees.

Sec. 3-14. Investigation.

The City Council, or any committee thereof duly appointed for the purpose of conducting an investigation pursuant to this section, which committee shall consist of not less than five (5) members, shall have power to investigate any and all offices and agencies of the City, and any organization spending City funds, and for such purposes shall have the power to call witnesses to appear to testify on any matter under investigation. If any officer, other than an elected officer, or employee of the City shall, after receipt of notice in writing, willfully fail or refuse to appear before the City Council or such duly appointed committee, or having appeared, shall refuse to testify or answer any question concerning the office or official duties of such officer or employee, or concerning the property, government or affairs of the City, his term or tenure of office or employment shall terminate and such office or employment shall be vacant provided, however such officer or employee shall be entitled to any further proceeding or hearing concerning dismissal as may be provided by law. The Council shall have the further power to require any office, agency, or other organization spending City funds to disclose information and account for the spending of such funds. Failure to comply with the Council's request shall be grounds for withholding the expenditure of further funds where not otherwise regulated by law.

Sec. 3-15. Fiscal year.

The Council shall have the power to adopt a fiscal year according to the provisions of chapter 110 (one hundred ten) of the General Statutes [C.G.S. ch. 110 (C.G.S. § 7-381 et seq.)], as amended.

Sec. 3-16. Annual audit.

There shall be annually designated an independent certified public accountant or firm of independent certified public accountants to audit the books and accounts of the City in

accordance with the provisions of chapter 111 (one hundred eleven) of the General Statutes [C.G.S. ch. 111 (C.G.S. § 7-391 et seq.)], as amended.

Sec. 3-17. Procedure for conveying, leasing real estate.

All grants and leases of real estate, belonging to said City signed by the Mayor, sealed with the City seal, and approved by at least two-thirds of the entire membership of the City Council and recorded in the town where the real estate granted or leased lies, shall be effectual to convey such estate.

CHAPTER IV. THE MAYOR

Sec. 4-1. Duties.

The Mayor shall be the Chief Executive Officer of the City and shall receive such compensation as shall be fixed by the City Council. The Mayor shall devote full time to the office and shall be directly responsible for the administration of all departments, agencies and offices in charge of persons or boards appointed by the Mayor and shall supervise and direct the same. The Mayor shall have all the duties imposed by the Charter and the ordinances of the City and the laws of the State and of the United States. The Mayor shall take care that all laws and ordinances governing the City are faithfully executed; shall make periodic reports to the City Council and shall preside at its meetings; shall prepare and cause to be printed and made available to the public as soon as possible after the close of the fiscal year an annual city report; shall recommend to the Council such measures as deemed by the Mayor to be necessary or expedient; shall keep the Council fully advised as to the financial condition of the City; shall prepare and submit to the Council an annual budget as provided in this Charter and shall exercise such other powers and duties as may be authorized by ordinance or resolution of the Council not inconsistent with this Charter. The Council shall not diminish by ordinance, vote or otherwise the powers and duties of the Mayor, except those powers and duties imposed on the Mayor by the Council

under the provisions of this section. The Mayor shall be an ex officio member of the Board of Education and all other boards, agencies, committees, authorities and commissions without vote. Except when otherwise provided by state law, the Mayor shall be authorized to accept, on behalf of the City of Danbury, any donation, gift, bequest or devise of real or personal property or of services, provided that the aggregate value thereof does not exceed one thousand dollars (\$1,000.00) from any one donor in any fiscal year. The Mayor shall report the acceptance of each such donation, gift, bequest or devise to the City Council at its next regularly scheduled meeting.

Sec. 4-2. Chief of Staff to the Mayor.

There shall be a Chief of Staff to the Mayor who shall be appointed by the Mayor and may be removed by the Mayor; provided, however, that the appointment may be disapproved by a vote of two-thirds ($\frac{2}{3}$) of the entire membership of the City Council at a meeting held not later than fourteen (14) days following delivery of notice of the appointment to the Legislative Assistant and President of the City Council. The Chief of Staff shall not be subject to the merit system. Such Chief of Staff shall be chosen on the basis of administrative qualifications, character, education, training and experience in matters of municipal or governmental affairs. The Chief of Staff shall devote full time to the office. The Mayor may assign to the Chief of Staff any tasks, duties or functions which are within the scope of the duties of the office of the Mayor and any such tasks, duties or functions may be increased or diminished or terminated only by the Mayor. Nothing herein shall be construed to allow a delegation of powers to the Chief of Staff and the acts of the Chief of Staff shall not be the acts of the Mayor and such acts shall not result in or in any way be binding obligations of the City of Danbury.

CHAPTER V. APPOINTED BOARDS AND COMMISSIONS

Sec. 5-1. Planning Commission and Zoning Board of Appeals.

The functions of the Planning Commission and the Zoning Board of Appeals shall be

determined according to the provisions of chapter 124 (one hundred twenty-four) [C.G.S. ch. 124 (C.G.S. § 8-1 et seq.)] and 126 (one hundred twenty-six) [C.G.S. ch. 126 (C.G.S. § 8-18 et seq.)] of the General Statutes, as amended. There shall continue to be a Planning Commission and a Zoning Board of Appeals as the same are constituted on the effective date of this Charter. The Planning Commission and Zoning Board of Appeals shall consist of such number of members and alternate members who shall serve for such terms as provided by ordinance of the City Council pursuant to the General Statutes, as amended.

Sec. 5-2. Board of Assessment Appeals.

There shall continue to be a Board of Assessment Appeals as the same is constituted on the effective date of this Charter which shall consist of three (3) members appointed by the Mayor for terms of five (5) years on a rotating basis as terms expire. Said Board shall have all the powers and duties conferred or imposed by the General Statutes, as amended.

Sec. 5-3. Parking Authority.

Special Law 1957, Act No. 557 and Special Act No. 84-6 relating to the Parking Authority of the City of Danbury shall not be affected by this Charter but shall remain in full force and effect. The City Council, by ordinance, may designate the Parking Authority as a parking division pursuant to chapter 100 of the General Statutes [C.G.S. ch. 100 (C.G.S. § 7-202 et seq.)], as amended.

Sec. 5-4. Other boards and commissions.

The City Council may, by ordinance, create other boards and commissions. Such boards and commissions shall, except as otherwise provided in this Charter, have the powers and duties prescribed by law and by ordinance or resolutions of the City Council.

**CHAPTER VI. OFFICES, DEPARTMENTS
AND EMPLOYEES**

Sec. 6-1. Treasurer.

The Treasurer of the City shall have all the powers and duties imposed by law on town, city

or municipal treasurers and shall be the agent and treasurer of the capital improvement fund. The Treasurer shall have custody of and shall disburse all funds of the City and shall deposit the same in such banks or other depositories as the City Council shall prescribe.

No disbursement shall be made from any funds of the City except by check signed by the Treasurer and each such check shall be based upon a voucher or payroll duly audited and approved by the Director of Finance. Before signing any such check, the Treasurer shall be satisfied that such check represents the proper payment of a duly authorized obligation of the City. The City Council, by ordinance, shall designate a municipal officer or employee who may sign checks in the event of the inability to act or the absence of the Treasurer.

Sec. 6-2. Administrative departments.

There shall be the following offices and administrative departments: A Corporation Counsel, a Department of Civil Preparedness, a Department of Finance, a Department of Public Works, a Department of Planning and Zoning, a Police Department, a Fire Department, a Health and Human Services Department, a Department of Parks and Recreation, a Department of Elderly Services, a Department of Human Resources, and such other administrative departments as may, from time to time, be created by the City Council. Such departments shall, except as otherwise provided in this Charter, have the powers and duties prescribed by law and by ordinance or resolution of said Council.

Sec. 6-3. Appointments of officers and employees of City.

When not otherwise provided, all heads and all officers of the foregoing departments including departments created by the City Council, and all police and fire officers shall be appointed by the Mayor and confirmed by the City Council. All other employees of the City shall be appointed by the Mayor. All City officers and employees when not otherwise specified in the Charter may

be subject to the rules and regulations adopted pursuant to the merit system as the same may be in effect in the City.

Sec. 6-4. Corporation Counsel.

The Mayor shall appoint and may remove a Corporation Counsel; provided, however, that the appointment may be disapproved by a vote of two-thirds ($\frac{2}{3}$) of the entire membership of the City Council at a meeting held not later than fourteen (14) days following delivery of notice of the appointment to the Legislative Assistant and President of the City Council. The Corporation Counsel shall not be subject to the merit system. The Corporation Counsel shall be an attorney at law admitted to practice law in this state or a law firm doing business in this state. The Corporation Counsel shall appear for and protect the rights of the City in all actions, suits or proceedings brought by or against it or any of its departments, officers, agencies, boards or commissions; shall be the legal advisor of the City Council, the Mayor, and all City officers, boards and commissions in all matters affecting the City and shall, upon written request, furnish them with a written opinion on any question of law involving their respective powers and duties. Upon request, the Corporation Counsel shall prepare or approve forms of contracts or other instruments to which the City is a party or in which it has an interest. The Corporation Counsel shall have the power, with the approval of the Council, to appeal from orders, or decisions and judgments and, subject to approval of the Council, to compromise or settle any claims by or against the City. Notwithstanding the foregoing, claims against the City may be compromised or settled by the Corporation Counsel with the approval of the Mayor, provided that any such compromise or settlement falls within the coverages and limits of a policy of insurance issued to the City. A report of each such compromise or settlement shall be provided to the City Council at its next regularly scheduled meeting. If, in special circumstances or for any investigation under chapter III, section 3-14 of this Charter, the Council deems it advisable, it, by resolution, may provide, in addition, for the temporary employment of Counsel other than Corporation Counsel.

There shall be an Assistant Corporation Counsel who shall devote full time to the office and shall not engage in private practice. Such Assistant shall be appointed by the Mayor and confirmed by the City Council. The Mayor shall appoint such other Assistant Corporation Counsel as the City Council shall prescribe from time to time. Assistant Corporation Counsels shall be attorneys at law admitted to practice law in this state. No other Counsel shall be employed by any branch of the municipality.

Sec. 6-5. Department of Civil Preparedness.

The Mayor shall appoint and may remove, all in accordance with the provisions of section 28-7 of the General Statutes [C.G.S. § 28-7], as amended, a Director of Civil Preparedness. The Director shall have those powers and duties provided in said section 28-7 [C.G.S. § 28-7] and such other powers and duties as may be prescribed by the City Council.

Sec. 6-6. Department of Finance.

The Department of Finance shall be responsible for the keeping of accounts and financial records, the assessment and collection of taxes, special assessments and other revenues, the audit and control over expenditures and such other powers and duties as the City Council may prescribe. Accounts shall be kept by the Department of Finance showing the financial transactions for all departments and agencies of the City. Forms for such accounts shall be prescribed by the Director of Finance with the approval of the Mayor. Financial reports shall be prepared for each quarter and for each fiscal year and for such other periods as may be required by the Mayor or the City Council. The Department of Finance shall consist of a Director of Finance, a Tax Collector, an Assessor, a Purchasing Agent, a Manager of Information Technology, and a Risk Manager.

- A. *The Director of Finance: Powers, Duties and Qualifications.* The Mayor shall appoint a Director of Finance; provided, however, that the appointment may be disapproved by a vote of two-thirds ($\frac{2}{3}$) of the entire membership of the City

Council at a meeting held not later than fourteen (14) days following delivery of notice of the appointment to the Legislative Assistant and President of the City Council. The Director shall be subject to the merit system. The Director shall be responsible for the administration of the financial affairs of the City. The Director shall have direct supervision over the Department of Finance and shall supervise the accounting functions of the City, and shall maintain and supervise the general accounting system for all departments, offices, boards, commissions or agencies. Subject to the approval of the Mayor, the Director of Finance may perform the duties of any office in the department. The Director of Finance shall be chosen on the basis of training and broad experience in accounting and finance, including at least five (5) years of such experience and shall have a degree in accounting, finance or other similar specialty.

- B. *The Tax Collector and Assessor.* The Tax Collector and Assessor shall have all powers and duties imposed by law on such officers; and they shall have such other powers and duties as the Council may prescribe.
- C. *The Purchasing Agent.* The Purchasing Agent of the City shall purchase all supplies, materials, equipment and other commodities required by any department, agency, board or commission of the City, on requisition and specification signed by the head of the department, office or agency or chairman of the board or commission or the designee thereof. Nothing herein contained shall be construed to prevent the City Purchasing Agent from serving as the Purchasing Agent for the Board of Education and, in the event that the General Statutes are amended to permit municipalities to do the purchasing for Boards of Education, the City Purchasing Agent shall be the purchasing agent for the Board of Education. Purchases shall be made under

such rules and regulations as may be established by the City Council and shall be subject to such bidding procedures as established by ordinance.

- D. *Manager of Information Technology.* The Manager of Information Technology shall be responsible for the management, design, operation and programming of the Information Technology System of the City and all of its departments, boards, agencies and commissions.
- E. *Risk Manager.* The Risk Manager shall be responsible for the identification, analysis, and evaluation of risks or hazards which can adversely effect the ability of the City to perform its services, and shall determine methods to minimize such risks or hazards.

Sec. 6-7. Department of Public Works.

The Department of Public Works shall have supervision and control of the maintenance of all city-owned or leased structures, and of all parks, playfields, playgrounds and other public grounds, except those under the jurisdiction of the Board of Education unless provided for by agreement with the Board, and of the planning, surveying, constructing and reconstructing, altering, paving, repairing, maintaining, cleaning, lighting and inspecting of highways, sidewalks, and curbs, sewers, sewage disposal, drains, the municipal water system and other public improvements, and the preservation, care and removal of trees within highways or public places, all engineering work of the City and disposal of garbage and rubbish. The Department shall have such other powers and duties as the City Council shall prescribe. The Department of Public Works shall maintain and care for school buildings. The Department shall also have the supervision of the maintenance and repair of all municipally owned or leased motor vehicles and similar equipment, except those vehicles under the control of the City Fire Department. The Department of Public Works shall consist of a Director of Public Works, a City Engineer, and Superintendents of Highways, Public Utilities, Public Buildings and Construction.

- A. *Director of Public Works: Powers, Duties and Qualifications.* The Mayor shall

appoint and may remove a Director of Public Works; provided, however, that the appointment may be disapproved by a vote of two-thirds ($\frac{2}{3}$) of all members of the City Council at a meeting held not later than fourteen (14) days following delivery of the notice of the appointment to the Legislative Assistant and President of the City Council. The Director of Public Works shall not be subject to the merit system. The Director shall be responsible for the efficiency, discipline, and good conduct of the Department. Subject to the approval of the Mayor, the Director may perform the duties of any office in the Department and may consolidate two or more such offices under one person. The Superintendents and the City Engineer shall discharge their duties under the supervision of the Director of Public Works. The duties of the Director of Public Works shall be discharged under the supervision of the Mayor. The Director shall organize the work of the Department in such a manner as shall be deemed most economical and efficient by the Director, and may transfer employees and equipment between the respective divisions towards that end and shall assign to divisions such duties as are not hereafter specified and may provide for the sharing of responsibilities among the several divisions. The Director shall be chosen on the basis of significant technical training, demonstrated executive and administrative qualifications and experience in general construction.

- B. *The Superintendent of Highways.* The Superintendent of Highways shall be responsible for the supervision of the construction, reconstructing, altering, paving, repairing, maintaining, cleaning, lighting and inspection of highways, sidewalks and curbs. The Superintendent shall be chosen on the basis of experience in highway construction and administrative ability. At least five (5) years experience in highway construction shall be required. The Superintendent shall have

the direction and control of a tree expert who shall be selected on the basis of training and experience in the care of trees and shrubs and shall have all the powers and duties of a tree warden as provided in the General Statutes.

- C. *The City Engineer.* The City Engineer shall be responsible for all engineering projects of the City. The Engineer shall be a qualified professional engineer licensed to practice in the State of Connecticut with at least five (5) years of experience in the design and construction of public works, highways and public utilities.
- D. *The Superintendent of Public Utilities.* The Superintendent of Public Utilities shall be responsible for sewers, sewerage disposal, drains, the water system, and disposal of solid waste. The Superintendent shall be a qualified sanitary engineer licensed to practice in the State of Connecticut with at least five (5) years experience in the field of maintenance and operation of public water supply or sewage disposal systems.
- E. *The Superintendent of Public Buildings.* The Superintendent of Public Buildings shall be responsible for maintenance, construction and repair of municipal buildings. The Superintendent shall have at least five (5) years experience in building construction and maintenance.
- F. *The Construction Superintendent.* The Construction Superintendent shall be responsible for overseeing all aspects of major building and infrastructure construction projects undertaken by the City, as assigned by the Director of Public Works. The Superintendent shall have at least five (5) years of experience in construction engineering, construction project management and contract administration.

Sec. 6-8. Department of Planning and Zoning.

The Department of Planning and Zoning shall have the responsibility of assisting and advising

the Mayor and the Planning and Zoning Commissions on City planning, the preparation and implementation of a plan of development and other plans and studies, and the enforcement of zoning, subdivision, and other land use regulations. It shall coordinate development and capital improvements programming activities of the City for the purpose of conserving desirable resources and promoting the orderly development of the City. The Department shall monitor State and Federal programs and funding resources for potential application to the City. The Department shall review and make recommendations on all proposals to (1) locate, accept, abandon, widen, narrow or extend any street, bridge, parking, or other public way, (2) locate, relocate, substantially improve, acquire land for, abandon, sell or lease any airport, park, playground, school or other municipally owned property or public building, (3) locate or extend any public housing, development, redevelopment or renewal project, or (4) locate or extend public utilities and terminals for water, sewerage, light, power, transit and other purposes. The Department shall review all required applications for the development or subdivision of land, all requests for zoning permits, and all proposals for rezonings or other amendments to zoning and/or subdivision regulations of the City pursuant to applicable regulations. The Department shall perform such other duties as the Mayor may prescribe.

- A. *Planning Director.* The Planning Director shall manage and supervise all activities and employees of the Department. The Planning Director shall possess a Masters degree in Planning or a related field, and shall have a minimum of five years experience in city and/or regional planning, three years of which must have been in a supervisory position. The Planning Director shall be responsible to the Mayor.

Sec. 6-9. Police Department.

The Police Department shall be responsible for the preservation of public peace, prevention of crime, apprehension of criminals, regulation of traffic, protection of rights of persons and property and enforcement of the laws of the State, and the

ordinances of the city and all rules and regulations made in accordance therewith. All members of the department, except clerical and other personnel without law enforcement responsibilities, shall have the same powers and duties with respect to the service of criminal process and enforcement of criminal laws as are vested in police officers by the General Statutes, and all powers and duties imposed by law on constables except as otherwise provided by departmental rules and regulations. All successful entry level candidates for the position of police officer shall be recommended for employment by the Chief of Police and appointed in accordance with the provisions of section 6-3 of this charter. All such candidates shall be screened in accordance with the requirements of the State of Connecticut Police Officer Standards and Training Council, or such other state body having comparable jurisdiction and authority.

- A. *The Chief of Police: Powers, Duties and Qualifications.* The Mayor shall appoint, and may remove, subject to the provisions of section 7-278 of the General Statutes [C.G.S. § 7-278], as amended, a Chief of Police who shall not be subject to the merit system. The Chief of Police shall assign all members of the department to their respective posts, shifts, details and duties. The Chief shall make rules and regulations concerning the operation of the department and the conduct of all officers and employees thereof and shall be responsible for the efficiency, discipline and good conduct of the department and for the care and custody of all property used by the department. Disobedience to lawful orders, rules and regulations of the Chief shall be grounds for dismissal or for other appropriate disciplinary action. The Chief shall be selected on the basis of training and administrative ability and shall have had at least ten (10) years experience in an organized police department at least one-half of which shall have been in an administrative or supervisory capacity. Within six (6) months of appointment,

the Chief of Police shall become a resident of the City and remain such while in office.

- B. *Special Police.* In addition to the regular force provided for hereinabove, there shall be a Special Police Force consisting of such number of supernumeraries as may be determined, from time to time, by the Chief of Police, whose duty it shall be to act whenever their services are required by the Chief of Police. Members of the Special Police force shall be appointed and removed by the Mayor.

Sec. 6-10. Fire Department.

The Fire Department shall be responsible for the protection of life and property within the City from fire and for the enforcement of all laws, ordinances and regulations relating to fire prevention and fire safety.

- A. *The Fire Chief: Powers, Duties and Qualifications.* The Mayor shall appoint, and may remove subject to the provisions of section 7-302 of the General Statutes, as amended [C.G.S. § 7-302], a Fire Chief who shall not be subject to the merit system. The Chief shall assign all members of the department to their respective posts, shifts, details and duties; shall make rules and regulations concerning the operation of the Department and the conduct of all officers and employees thereof; and shall be responsible for the efficiency, discipline and good conduct of the department and for the care and custody of all property used by the Department. Disobedience to the lawful orders, rules and regulations of the Chief shall be grounds for dismissal or for other appropriate disciplinary action. The Chief shall have had at least ten (10) years experience in career fire service, at least one-half of which shall have been in an administrative or supervisory capacity. Within six (6) months of appointment, the Fire Chief shall become a resident of the City and remain such while in office. Among the officers of the Fire Department, there shall be a Fire Marshal who

shall be answerable to the Fire Chief but whose office shall be a separate one, and who shall be appointed and removed in accordance with, and shall have the duties imposed by the General Statutes, as amended.

- B. *Volunteer Companies.* Nothing in this Charter shall be construed to affect the organization, status or property of the active volunteer fire companies. Whenever paid and volunteer companies are acting together, they shall both be under the command of the ranking officer of the regular Fire Department present at the scene. Whenever fire companies are in training, responding to or working at the scene of a fire or other emergency, they shall be under the command of the ranking officer of the City Fire Department at the scene at the time or the officer in command of the Department at the time.

Sec. 6-11. Health and Human Services Department.

The Health and Human Services Department shall be responsible for the preservation and promotion of the public health and for the provision of social services, including improving access to housing, emergency shelter and medical care and shall perform such functions and shall have such related powers and duties as are imposed by law and as the Council may prescribe.

- A. *The Director of Health: Powers, Duties and Qualifications.* The Mayor shall appoint, subject to the provisions of chapter 368e of the General Statutes [C.G.S. ch. 368e (C.G.S. § 19a-200 et seq.)], as amended, a Director of Health who shall be administrative head of the Health and Human Services Department. The Director shall organize the work of said Department in such manner as shall be deemed most economical and efficient; shall be charged with the enforcement of all laws, ordinances, rules and regulations in respect to public health and human services; and shall have the term, duties and qualifications prescribed in chapter 368e of the General Statutes

[C.G.S. ch. 368e (C.G.S. § 19a-200 et seq.)] relating to Directors of Health and may be removed as provided therein.

Sec. 6-12. Department of Parks and Recreation.

The Department of Parks and Recreation shall be responsible for recreational program development and for the control, development, operation and management of all public grounds, park buildings, parks, playfields and playgrounds provided by the City for parks or recreation, except those under the jurisdiction of the Board of Education, which may be used by the Department with the consent of the Board of Education.

- A. *The Director of Recreation: Powers, Duties and Qualifications.* The Mayor shall appoint a Director of Recreation who shall be appointed on the basis of his executive and administrative qualifications and shall have had experience in park or recreation administration. Said Director shall be charged with preparing regulations for the use of said parks and recreation facilities and the fees to be charged for such use and shall have such other powers and duties as the Council may prescribe.

Sec. 6-13. Department of Elderly Services.

The Department of Elderly Services shall be responsible for the consolidation and enhancement of the delivery of services to the elderly and for the coordination of municipal and non-municipal functions and services available to elderly residents of the City of Danbury. The Department of Elderly Services shall act as an advocate for the elderly and shall advise the Mayor and the City Council on all matters concerning the welfare of the elderly in Danbury, including the need for additional programs or projects or the improvement of existing programs or projects designed to serve the elderly and concerning the appropriate level of funding to accomplish the same.

- A. *Executive Director of the Department of Elderly Services.* The Mayor shall appoint and may remove an Executive Director of

the Department of Elderly Services, who shall be responsible for the planning, development and supervision of a comprehensive program of activities and services which will promote the continuing development and social and emotional adjustment of older persons. The Executive Director shall possess the following minimum qualifications: an M.S. degree in Counseling or an M.S.W. or related Masters degree, and at least five years experience in the field of Elderly Services, including experience in working with related governmental agencies.

Sec. 6-14. Department of Human Resources.

The Department of Human Resources shall be responsible for the administration of the City's entire employee relations function, including the development of personnel policies; the administration of job classification, salary, and benefit programs; the administration and interpretation of collective bargaining agreements and handling of grievances; and the administration of equal employment and affirmative action programs.

- A. *The Director of Human Resources.* The Mayor shall appoint and may remove the Director of Human Resources. The Director of Human Resources of the City shall establish procedures and policies for the Department of Human Resources and shall be responsible for the coordination and administration of the entire range of employee relations functions for City departments and agencies and acts as a liaison between the City administration and the Civil Service Commission and its Chief Examiner with respect to recruitment, hiring, and placement of civil service employees. The Director shall be required to have a Bachelors degree in Industrial Relations, Liberal Arts, Human Resource Management, Business Administration or related fields with an advanced degree in one of the above fields preferred, and shall have five or more years of progressively responsible experience in Human Resource Management including

significant supervisory experience, or an equivalent combination of education, training and experience.

Sec. 6-15. Official bonds.

The Mayor, Town Clerk, Director of Finance, Treasurer, Agent of the town deposit fund, Tax Collector, Director of Public Works and such other officers and employees as may be required to do so by the Council shall, before entering on their respective official duties, execute to the City, in the form prescribed by the Council and approved by the Corporation Counsel, and file with the Town Clerk, a surety company bond in a penal sum to be fixed by the Council, conditioned upon honesty and/or the faithful performance of such official duties. Nothing herein shall be construed to prevent the Council, if it deems it to be in the best interests of the City, from prescribing a name schedule bond, schedule position bond or blanket bond, or from prescribing which departments, offices, agencies, boards or commissions shall be covered by a specific type of the aforementioned bonds. Premiums for such bonds shall be paid by the City.

CHAPTER VII. FINANCE AND TAXATION

Sec. 7-1. General form of budget presentation.

The Mayor shall require each Department, office or agency of the City supported wholly or in part by any funds, or for which a specific City appropriation is made, including the Board of Education, to set forth, in narrative or such other form as the Mayor may prescribe, a program or programs showing services, activities and work accomplished during the current year and to be accomplished during the ensuing year with associated costs thereof and such other detailed information as the Mayor may require. The merit of a budget request shall stand the test of past and expected performance.

Sec. 7-2. Department estimates.

The Mayor shall compile preliminary estimates for the annual budget. The head of each department, office or agency of the City as described in

section 7-1 of this chapter, including the Board of Education, shall, not later than February 15th or the next business day thereafter if February 15th shall not be a business day, file with the Mayor on forms prescribed and provided by him, a detailed estimate of the expenditures to be made by the department, office or agency and the revenue other than tax revenues, to be collected thereby in the ensuing fiscal year and such other information as may be required by the Mayor or the City Council.

Sec. 7-3. Duties of the Mayor on the budget.

Not later than April 7th or the next business day thereafter if April 7th shall not be a business day, the Mayor shall present to the City Council a budget consisting of:

- a. A budget message outlining the financial policy of the City government and describing in connection therewith the important features of the budget plan indicating any major changes from the current year in financial policies, expenditures and revenues together with the reasons for such changes, and containing a clear general summary of its contents.
- b. Estimates of revenue, presenting in parallel columns the itemized revenue collected in the last completed fiscal year, the receipts collected during the current fiscal year prior to the time of preparing the estimates, total revenue estimated to be collected during the current fiscal year, estimates of revenue, other than from the property tax, to be collected in the ensuing fiscal year, and a statement of an estimate of available surplus.
- c. Itemized estimates of expenditures, presenting in parallel columns the actual expenditures for each department, office, agency or activity for the last completed fiscal year and for the current fiscal year prior to the time of preparing the estimates, total expenditures and estimated for the current fiscal year, and the Mayor's recommendations of the amounts to be appropriated for the ensuing fiscal year for all items, and such

other information as may be required by the City Council. The Mayor shall present reasons for his recommendations.

- d. The Board of Education shall have the same duties and follow the same form and procedure with respect to the budget of the Board of Education as required of the Mayor in section 7-2 of this chapter for other departmental estimates.
- e. As part of the budget, the Mayor shall present a program to the City Council for adoption, additions or deletions no later than February 15th that has been previously considered and acted upon by the City Planning Commission in accordance with section 8-24 of the General Statutes [C.G.S. § 8-24], as amended, concerning municipal improvements, of proposed capital projects for the ensuing fiscal year and for the five fiscal years thereafter. Estimates of the costs of such projects shall be submitted by each department, office or agency annually in the form and manner prescribed by the Mayor. The Mayor shall recommend to the City Council those projects to be undertaken during the ensuing fiscal year and the method of financing the same.
- f. As part of the budget, the Mayor shall present to the Council the data required to be presented to the Mayor by section 7-1.

Sec. 7-4. Duties of the City Council on the budget.

The City Council shall hold one or more public hearings not later than May 1st or the next business day thereafter if May 1st shall not be a business day, at which any elector or taxpayer may have an opportunity to be heard regarding appropriations for the ensuing fiscal year. Following receipt of the estimates from the Mayor, the Council shall cause sufficient copies of said estimates to be made available for general distribution in the office of the Legislative Assistant and, at least five (5) days prior to the aforementioned public hearing, the Council shall cause to be published in a newspaper having a

circulation in the City a notice of such public hearing and a summary of said proposed budget estimates showing anticipated revenues by major sources, and proposed expenditures by functions or departments in the same columnar form as prescribed for budget estimates in section 7-3 of this chapter, and shall also show the amounts to be raised by taxation. Not later than May 15th or the next business day thereafter if May 15th shall not be a business day, the Council shall adopt a budget and file the same with the Legislative Assistant; provided however, if the Council shall insert new amounts or programs, increase, decrease or strike out amounts or programs in the budget such changes shall be adopted by an affirmative vote of at least two-thirds ($\frac{2}{3}$) of all the members of the Council. The ordinance adopting the budget may provide for appropriations by department or function, and such appropriations need not be in greater detail than to indicate the total appropriation for each department or function. At the time when the Council shall adopt the budget, together with a provision for uncollectible taxes reserve, it shall also fix the tax rate in mills which shall be levied on the taxable property in the City for the ensuing fiscal year. Should the Council fail to adopt a budget within the time specified, the budget as transmitted by the Mayor, in accordance with the provisions of section 7-3 of this chapter shall be deemed to have been finally adopted by said Council. The tax rate shall forthwith be fixed by the Mayor and thereafter expenditures shall be made in accordance with the budget so adopted.

Sec. 7-5. Emergency appropriations.

For the purpose of meeting a public emergency threatening the lives, health or property of citizens, emergency appropriations may be made upon the recommendation of the Mayor and by an affirmative vote of not less than two-thirds ($\frac{2}{3}$) of the entire membership of the City Council, provided a public hearing, at which any elector or taxpayer of the City shall have an opportunity to be heard, shall be held prior to making such appropriation, notice of which hearing shall be given in a newspaper having circulation in the City not more than ten (10) nor less than five (5)

days prior to such hearing. Such hearing and notice of hearing may be waived if the Council, by at least two-thirds ($\frac{2}{3}$) affirmative vote of its entire membership, shall decide that a delay in making the emergency appropriation would jeopardize the lives, health or property of citizens. Financing to meet said appropriations shall be provided in such manner, consistent with the provisions of the General Statutes, as may be determined by the Council. Any borrowing ordinance adopted by the Council in order to meet said appropriations shall be adopted by an affirmative vote of at least two-thirds ($\frac{2}{3}$) of the entire membership and shall not be subject to referendum pursuant to either sections 3-11 or 7-10 hereof.

Sec. 7-6. Tax bills and user charges.

It shall be the duty of the Tax Collector to cause to be mailed to each taxpayer a tax bill prepared in accordance with the provisions of section[s] 12-130 [C.G.S. § 12-130] and 12-131 [C.G.S. § 12-131] of the General Statutes, as amended. The Tax Collector shall also cause to be mailed to each sewer and/or water user a rate-bill detailing the charges thereon.

Sec. 7-7. Assessment and collection of taxes.

Except as specifically provided in this Charter, the assessment of property for taxation and the collection of taxes shall be carried on as provided in the General Statutes of the State.

Sec. 7-8. Sewer and water assessments and user charges.

All costs of operating the sewer system shall be raised and paid by user charges imposed on those property owners whose property is connected to said sewer system. Debt service and capital costs incurred in the expansion, renovation, and repair of the central sewer filtering plant, major trunk lines and pumping stations, shall be included in the sewer system operating costs. Rates shall be established by standards contained in an ordinance enacted by the City Council and in conformity with chapter 103 of the General Statutes [C.G.S. ch. 103 (C.G.S. § 7-245 et seq.)], as amended. All costs of

extensions of new sewer services to a segment of the City, neighborhood, street or property through the construction of collector lines, lifting stations and/or laterals shall be borne by those whose property benefits by such extension project. Assessments of benefits for those whose property benefits by such extension project shall be established by standards contained in an ordinance enacted by the City Council and in conformity with chapter 103 of the General Statutes [C.G.S. ch. 103 (C.G.S. § 7-245 et seq.)], as amended. All costs of operating the water system shall be raised and paid by user charges imposed on those property owners whose property is connected to said water system. Debt service and capital costs incurred in the expansion, renovation and repair of the water treatment plants, pressure tanks, distribution and transmission lines and pumping stations shall be included in the water system operating costs. Rates shall be established by standards contained in an ordinance enacted by the City Council and in conformity with the General Statutes, as amended. All costs of extensions of new water service to a segment of the City, neighborhood, street or property through construction of distribution lines, pumping stations and/or laterals shall be borne by those whose property benefits by such extension project. Assessment of benefits for those whose property benefits by such extension project shall be established by standards contained in an ordinance enacted by the City Council and in conformity with the General Statutes, as amended. Nothing herein shall be construed to prevent the City from pledging its full faith and credit to the payment of bonds or notes issued under the authority of the General Statutes for the acquisition, expansion, extension, construction or repair of all or any part of the municipal sewer system or the municipal water system.

Nothing herein contained shall be construed to prevent the establishment by the City Council of a Sewer Authority pursuant to chapter 103 of the General Statutes [C.G.S. ch. 103 (C.G.S. § 7-245 et seq.)], as amended.

Sec. 7-9. Expenditures and accounting.

a. No purchase shall be made by any department, agency, board, commission, or officer of the City other than the Probate Court, except through

the Purchasing Agent. The Director of Finance shall have recorded the amount of authorized purchases and contracts for future purchases as encumbrances against the appropriation from which they are paid.

b. No voucher, claim or charge against the City shall be paid until the same has been audited by the Director of Finance or agent of the Director and approved by the Director for correctness and validity. Payment of all approved claims shall be authorized by the Director of Finance which authorization shall be valid when countersigned by the Treasurer, provided, in the absence or inability to act of either the Director of Finance or Treasurer, the Mayor may be authorized to substitute temporarily for either or both of them.

c. The Director of Finance shall prescribe the time at which and the manner in which persons receiving money on account of the City shall pay the same to the Treasurer.

d. The several departments, commissions, officers and boards of the City shall not involve the City in any obligation to spend money for any purpose in excess of the amount appropriated therefore until the matter has been approved by the City Council and each order drawn upon the Treasurer shall state the department, commission, board or officer and the appropriation against which it is to be charged.

e. The Mayor may at any time transfer any unencumbered appropriation among programs within a department, office, board, commission or agency. Upon the request of the Mayor but only within the last four (4) months of the fiscal year the City Council may by resolution transfer any unencumbered appropriation, balance or portion thereof from one department, commission, board or office to another. No transfer shall be made from any appropriation for debt service and other statutory charges.

f. Additional appropriations over and above the total budget may be made from time to time by resolution of the City Council, upon recommendation of the Mayor and certification from

the Director of Finance that there are available unappropriated general fund resources in excess of the proposed additional appropriations.

g. Appropriations for construction or for other permanent improvements, from whatever source derived, shall not lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned, provided any such project shall be deemed to have been abandoned if three (3) fiscal years shall elapse without any expenditure from or any encumbrance or the appropriation therefor. Any portion of an annual appropriation remaining unexpended and unencumbered at the close of the budget year shall lapse.

h. Every payment made in violation of the provisions of this Charter shall be deemed to be illegal and every official authorizing or making such payment or taking part therein and every person receiving such payment or any part thereof, shall be jointly and severally liable to the City for the full amount so paid or received. If any officer or employee of the City shall knowingly incur any obligation or shall authorize or make any expenditure in violation of the provisions of this Charter or take any part therein, such action shall be cause for that person's removal.

i. If at any time during the fiscal year the Mayor shall ascertain that revenues for the year and the general fund surplus from the preceding year will be less than the total of the appropriations, he shall revise work programs and allotments to forestall the incurring of a deficit. He shall report to the City Council without delay, indicating the estimated amount of the deficit and his recommendations as to further action. The Council shall then take such action as may be necessary to prevent or reduce any deficit and for that purpose it may, by resolution, reduce one or more appropriations.

j. Whenever at the close of a fiscal year there shall appear a deficit in the current accounts of the City, it shall be mandatory to make an appropriation sufficient to cover such deficit in the next succeeding budget.

Sec. 7-10. Borrowing.

a. The City Council shall have power to authorize indebtedness by issuing bonds or notes as provided by the General Statutes subject to the limitations thereof and the provisions of this section. The issuance of bonds and notes shall be authorized by ordinance adopted by the City Council with the affirmative vote of at least two-thirds ($\frac{2}{3}$) of the entire membership of the Council. No bond shall be issued for a term longer than the estimated life of the improvement for which they are issued and in no event, for a term longer than twenty years. Subject to the provisions of section 7-5, whenever the City Council votes to issue bonds or notes in a principal amount that would cause the total issuance of all bonds and notes authorized in any fiscal year to exceed three million dollars (\$3,000,000.00), the ordinance authorizing such issue shall be submitted for approval or disapproval of the electors at the next municipal election or at a special City meeting called by the Mayor and warned for the specific purpose of voting on the question of such issue on the voting machines in the several voting districts.

b. Bonds and Notes shall be authenticated by the seal of the City and the signature of the Mayor, and the Treasurer. In the absence, incapacity or vacancy of the office of Treasurer, the Director of Finance is authorized to sign bonds.

c. Subsection a. above notwithstanding, the City Council may authorize, by ordinance, the issuance of notes or bonds for the payment of costs of extensions of new sewer service and new water service as provided in section 7-8, subject to limitations imposed by the General Statutes which ordinance is subject to section 3-9 of this Charter. Payment of said bonds and notes including debt service thereon shall be made by assessments of benefits on the properties benefitted by said extensions of new water and new sewer service as set forth in section 7-8. Said bonds may be issued for a term not to exceed twenty (20) years. Nothing herein shall be construed to prevent the City from pledging its full faith and credit to the payment of said bonds and notes.

CHAPTER VIII. TRANSITION AND MISCELLANEOUS PROVISIONS**Sec. 8-1. Transfer of powers.**

The powers which are conferred and the duties which are imposed upon any commission, board, department or office under the General Statutes or any ordinances or regulations, in force at the time this Charter shall take effect, if such commission, board, department or office is abolished by this Charter, shall be thereafter exercised and discharged by the commission, board, department or office upon which are imposed corresponding or like functions, powers and duties under the provisions of this Charter. All commissions, boards, departments or offices abolished by this Charter, whether elective or appointive shall continue in the performance of their duties until provisions shall have been made for the discontinuance of such commissions, boards, departments or offices and the performance of their duties by other commissions, boards, departments or offices created under this Charter and until the Legislative Assistant shall have notified the members of such commissions, boards, departments or offices as are abolished by this Charter that their successors have qualified.

Sec. 8-2. Present employees to retain positions.

All persons holding permanent positions in the service of the City on the effective date of this Charter shall retain such position until promoted, transferred, reduced in rank or removed in accordance with the provisions of law. All other employees of the City on the effective date of this Charter, whose positions are not abolished by the provisions of this Charter, shall retain such positions pending action by the Council or the appropriate officer charged by this Charter with powers of appointment and removal. Any provision of law in force at the time this Charter shall take effect, and not inconsistent with the provisions of this Charter, in relation to the merit system, personnel, appointment, ranks, grades, tenure of office, promotions, removal, pension and retirement rights, civil rights or any other rights or privileges of employees of the City or any office, department or agency thereof,

shall continue in effect, until or unless amended or repealed in accordance with provisions of law.

Sec. 8-3. Conflicts of interest.

a. Any elected or appointed City officer or City employee has an interest which is in substantial conflict with the proper discharge of his duties or employment in the public interest or of his responsibilities as prescribed in the laws of the State of Connecticut or of the City of Danbury, if he has reason to believe or expect that he, his spouse, a dependent child, or a business with which he is associated will derive a direct or indirect monetary gain or suffer a direct or indirect monetary loss, as the case may be, from any contract or purchase order for supplies, materials, equipment, or services furnished, to be furnished or to be used by the City or any board, agency, commission, or department thereof.

b. An elected or appointed City officer or City employee does not have an interest which is in substantial conflict with the proper discharge of his duties or employment in the public interest or of his responsibilities as prescribed in the laws of the State of Connecticut or of the City of Danbury if any benefit or detriment accrues to him, his spouse, a dependent child, or a business with which he, his spouse or such dependent child is associated as a member of a profession, occupation or group to no greater extent than any other member of such profession, occupation or group.

c. All elected or appointed City officers or City employees are prohibited from accepting or receiving, by rebate, gift or otherwise, directly or indirectly, from any person, firm, corporation, or other entity to which any contract or purchase order may be or has been awarded by the City, any money, or anything of value whatsoever, or any promise, obligation, contract, future reward or compensation.

d. All elected or appointed City officers and employees are prohibited from having an interest which is in substantial conflict with the proper discharge of his duties or employment as herein defined.

e. The City Council, by ordinance, shall prescribe penalties for violation of this section.

Sec. 8-4. Transfer of records and property.

All records, property and equipment whatsoever of any commission, board, department or office or part thereof, all the powers and duties of which are assigned to any other commission, board, department or office by this Charter, shall be transferred and delivered intact to the commission, board, department or office to which such powers and duties are so assigned. If part of the powers and duties of any commission, board, department or office or part thereof are by this Charter assigned to another commission, board, department or office, all records, property and equipment relating exclusively thereto shall be transferred and delivered intact to the commission, board, department or office to which such powers and duties are so assigned.

Sec. 8-5. Legal proceedings.

No action or proceeding, civil or criminal, pending on the effective date of this Charter brought by or against the City or any commission, board, department or office thereof, shall be affected or abated by the adoption of this Charter or by anything herein contained; but all such actions or proceedings may be continued notwithstanding that functions, powers and duties of any commission, board, department or office party thereto may, by or under this Charter, be assigned or transferred to another commission, board, department or office, but in that event the same may be prosecuted or defended by the head of the commission, board, department or office to which such functions, powers and duties have been assigned or transferred by or under this Charter.

Sec. 8-6. Existing laws and ordinances.

All general laws and special acts of the State of Connecticut applicable to the City and all ordinances of the City shall continue in full force and effect, except insofar as they are inconsistent with the provisions of this Charter.

Sec. 8-7. Municipal contracts—Preference to citizens.

In the employment of mechanics, laborers and workmen in the construction, remodeling or repairing of any public building or other public works by the City, preference shall be given to citizens of the Danbury labor market area as established by the State Labor Commissioner in accordance with chapter 557, part III [C.G.S. ch. 557, pt. III (C.G.S. § 31-52 et seq.)] and section 7-112 of the Connecticut General Statutes [C.G.S. § 7-112], as amended.

Sec. 8-8. Retirement of municipal employees.

The existing ordinance providing a system of retirement allowances for the City's regular full-time paid employees shall remain in effect and the Council may, by ordinance, provide in connection with said system for contributions by employees and the City to a fund from which such allowances shall be paid, and said Council may authorize the transfer of the management and investment of the City's pension funds to any fiduciary institution chartered or licensed to operate in the State of Connecticut under the provisions of the General Statutes, as amended. The City may enter into a contract with any insurance company authorized to do business in this State for the purpose of insuring the whole or any part of its retirement plan, may elect to participate in the Connecticut Municipal Employees' Retirement Fund or elect to participate in the Old-Age and Survivors' Insurance system under title II of the Social Security Act, in accordance with the provisions of part II of chapter 113 of the General Statutes [C.G.S. ch. 113, pt. II (C.G.S. § 7-425 et seq.)], as amended, or may elect any combination thereof. The Council may by ordinance provide for compulsory retirement at any age to be determined.

Sec. 8-9. Intent.

It is the intent of this Charter to repeal and supersede the existing Charter of the City as of the effective dates of this Charter except for the

following sections of said existing Charter, which are amended in part and are included herein as the sections hereafter set forth:

- A. Section 8-5 (Ord. of 9-24-63 §§ VII-22) included as section 710(a).

Sec. 8-10. Periodic charter review.

On or before July 15, 2019, and at least every ten years thereafter, the City Council shall consider and act upon a resolution calling for the establishment of a charter revision commission to review and, if necessary, amend the Danbury Municipal Charter. The process of initiating charter revision shall be governed by the provisions of section 7-188 of the General Statutes [C.G.S. § 7-188], as amended.

Sec. 8-11. Saving clause.

If any section or part of any section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the context in which said section or part thereof so held invalid may appear, except to the extent that an entire section or part of a section may be inseparably connected in meaning and effect with the section or part of a section to which such holding shall directly apply.

Sec. 8-12. Effective date.

The provisions of these Charter amendments, additions, and deletions shall take effect thirty (30) days after approval by the electors.

CHARTER COMPARATIVE TABLE

This table shows the location of amendments to the Charter. The Charter was approved by the voters on November 3, 2009.

Referendum Date	Section	Section this Charter
11-3-2009	—	Ch. I—Ch. VIII



Appendix A

CONSOLIDATION ORDINANCE*

Article I. General Provisions

- Sec. I-1. Title.
- Sec. I-2. Purpose.
- Sec. I-3. Effective date.
- Sec. I-4. Definitions.

Article II. Consolidation Provisions

- [Secs. II-1—II-9. Reserved.]
- Sec. II-10. Transition provisions.
- Sec. II-11. Extension of existing ordinances.

Article III. Allocation of Governmental Functions

- Sec. III-1. General government.
- Sec. III-2. Public safety.
- Sec. III-3. Public works.
- Sec. III-4. Public welfare.
- Sec. III-5. Public health.
- Sec. III-6. Public recreation.
- Sec. III-7. Public education.
- Sec. III-8. Miscellaneous functions and services.

Article IV. Service Areas

- Sec. IV-1. Basic services area.
- Sec. IV-2. Urban service areas.

Article V. Tax Districts

- Sec. V-1. Basic tax district.
- Sec. V-2. Urban tax district No. 1.
- Sec. V-3. Urban tax district No. 2.
- Sec. V-4. Tax formula; alteration thereof.

Article VI. Abolition of Unnecessary Offices

- Sec. VI-1. City offices.
- Sec. VI-2. Town offices.

***Editor's note**—Printed in this appendix is the Consolidation Ordinance as adopted by the electors of the town of Danbury at a referendum held on September 24, 1963. The said Consolidation Ordinance was proposed to the electors by the Danbury Consolidation Commission which was named by a joint meeting of the legislative bodies of the Town of Danbury and the City of Danbury held on October 15, 1962. The said consolidation commission was dissolved by operation of law on October 15, 1963. Amendments are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original. Obvious misspellings have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform, as appearing in the Code of Ordinances. Additions for clarity are indicated by brackets.

State law reference—Consolidation of governments, C.G.S. § 7-195 et seq.



ARTICLE I. GENERAL PROVISIONS

Sec. I-1. Title.

This enactment, made and ordained in conformance with The Home Rule Act, shall be entitled The Consolidation Ordinance of Danbury.

Sec. I-2. Purpose.

The purpose of this Consolidation Ordinance is

- (1) To consolidate the units of local government known as the City of Danbury and the Town of Danbury;
- (2) To allocate the local governmental functions and services to existing offices, departments, boards, commissions or other agencies of the said town and the said city;
- (3) To define the areas in which such services are to be rendered;
- (4) To establish necessary taxing districts to pay the cost of such services;
- (5) To abolish unnecessary offices, departments, boards, commissions or other agencies of either of the said units of local government;
- (6) To distribute the assets and liabilities of the respective units of local government;
- (7) To provide for any other matters required to effectuate the consolidation of the said city and the said town and a unification of the governments of the same; and
- (8) To make necessary revision of the charter of the City of Danbury so as to render said charter effective as the Charter of the consolidated municipality.

Sec. I-3. Effective date.

Subject to the provisions of section II-10 herein below, this Consolidation Ordinance shall take effect on the first day of January 1965, provided it has first been duly approved at a referendum of the electors of the Town of Danbury to be held

in conformance with the provisions of section 7-199, Connecticut General Statutes, Revision of 1958 [C.G.S. § 7-199].

Sec. I-4. Definitions.

For the purpose of this Consolidation Ordinance, the following terms shall have the following meanings:

- (a) *Elector* means any person possessing the qualifications prescribed by the constitution and the Election Laws, title 9, Connecticut Statutes, Revision of 1958 [C.G.S. title 9 (C.G.S. § 9-1 et seq.)], as amended.
- (b) *General governmental services* shall mean all of the functions of the municipality of a generalized administrative nature necessary for the maintenance of good order such as
 - (1) The executive department;
 - (2) The legislative department;
 - (3) The budgetary department;
 - (4) The tax assessing and collecting department;
 - (5) The planning and zoning department;
 - (6) The conduct of elections;
 - (7) The maintenance of records of all kinds pertaining to the municipality;
 - (8) Debt service; and
 - (9) Any other similar basic governmental functions that may be authorized by the charter of the municipality or otherwise by law.
- (c) *Home Rule Act* means the provisions of chapter 99, Connecticut General Statutes, Revision of 1958, as amended [C.G.S. ch. 99 (C.G.S. § 7-187 et seq.)].
- (d) *Public Safety Services* means:
 - (1) Police protection;
 - (2) Fire protection;
 - (3) Building inspection;

- (4) Supervision of weights and measures used in commerce;
- (5) Civil defense.
- (e) *Public utilities services* means the public water supply and sewage disposal systems.
- (f) *Public works services* means the construction, maintenance and repair of public buildings, roads, and bridges and maintenance of the city dump.

ARTICLE II. CONSOLIDATION PROVISIONS

[Secs. II-1—II-9. Reserved.]

Sec. II-10. Transition provisions.

In order to effectuate the provisions of the Consolidation Ordinance and to facilitate the transition from the old forms of government of the Town and City of Danbury to the new form of unified municipal organization, the following provisions are made:

- (a) Although the effective date for the full implementation of this Consolidation Ordinance is January 1, 1965, certain of its provisions shall become effective on January 1, 1964. They are as follows:
 - (1) All references to the preparation of the Grand Lists of ratable property, particularly the preparation of assessment lists No. 1, No. 2, and No. 3, referred to in VII-22 hereinbelow, under Bureau of Assessment. The intention hereof is that the Bureau of Assessment shall commence the preparation of the new system of grand lists for the new municipality on October 1, 1964 and shall report the new grand lists to the town clerk for transmission to the state tax commissioner in 1965 so that they will be the basis for the first budget of the new municipality.
 - (2) All references to the seven new wards of the municipality. The

Registrars of Voters shall commence forthwith the preparation of registry lists in the manner prescribed by Connecticut General Statutes, section 9-35. With the completion of the street lists required by the statutes, the registrars shall proceed to arrange such registry lists by wards, assigning the electors listed to the proper one of the seven newly created wards of the municipality. The intention of this provision is that the new ward lists shall be in readiness on or before January 1, 1965, in ample time for the nomination of candidates for the first municipal election on the last Monday of March, 1965. The registrars may at any time during this transition period, January 1, 1964 to January 1, 1965, and shall on January 2, 1965, appoint such additional assistants as are required for the new seven wards of the municipality.

- (b) Certain of the offices, departments, boards, commissions or agencies of the city and of the town which are abolished or altered by the provisions hereof shall survive the effective date and shall continue in office until the election and qualification of the mayor and common council at the first municipal election and until they have acted to provide for the necessary successor offices, departments, boards, commissions or agencies, but not later than the first day of July, 1965. Such hold-over officers and others shall continue to exercise the power and to perform the duties enjoyed by them prior to the effective date of this Consolidation Ordinance and shall continue to receive the same remuneration if any. When the new mayor and common council have enacted the necessary ordinances to organize the successor to any such hold-over office, department, board, commission, or agency, the city clerk shall give notice in writing to each such officer, to the chairman of each such board or to the superintendent of

each such department and they shall turn over to their successors forthwith all books, records, and property of every description and shall cease to exist on the date specified in the notice.

The offices, departments, board, commissions and agencies particularly referred to are as follows:

- (1) As to the City:
The Board of Aldermen;
The Division of Engineering;
The Director of Health.
- (2) As to the Town:
The Department of Roads and Bridges;
The Tree Warden;
The Dog Warden;
The Sealer of Weights and Measures;
The Department of Public Welfare;
The Department of Civil Defense.
- (c) During the transition period from January 1, 1965 to the seating of the new mayor and common council on the first Monday in April, 1965 no permanent appointments of any kind shall be made, but necessary interim appointments may and shall be made for the period until the new mayor and common council shall fill the places on the regular basis.
- (d) In the preparation of the budgets for town and city for the fiscal year 1964-1965, the board of finance of the town shall form its appropriations in contemplation of the full implementation of this Consolidation Ordinance on January 1, 1965 and shall arrange for the transfer of unexpected appropriations at that date to corresponding functions of the new municipality. The board of estimate and taxation shall also form its appropriations in contemplation of the changeover on January 1, 1965 so as to facilitate the transition, and particularly to provide a fund sufficient to pay reasonable compensation to essential officers or

employees required for the new municipality such as the comptroller and purchasing agent and the director of health.

Sec. II-11. Extension of existing ordinances.

All ordinances, resolutions, regulations and by-laws of the City of Danbury and the Town of Danbury and all special acts of the State of Connecticut pertaining to said city and said town, except insofar as they may be inconsistent with the provisions of this Consolidation Ordinance and the Charter of the City of Danbury as amended hereby, shall continue in full force and effect as the organic law of the municipality until duly amended, repealed or superseded; and all such enactments, or such parts of any of them, as may be inconsistent with said Consolidation Ordinance and Charter are repealed hereby.

ARTICLE III. ALLOCATION OF GOVERNMENTAL FUNCTIONS

The functions and services of local government shall be allocated to the existing offices, departments, board, commissions and other agencies of the City and Town of Danbury in the following manner:

Sec. III-1. General government.

The functions and services of the municipality of a generalized nature necessary for the maintenance of good order in its operation shall be allocated as follows:

- (1) *The executive department* shall consist of:
 - (a) The mayor;
 - (b) The city clerk;
 - (c) The city treasurer;
 - (d) The town clerk;
 - (e) The board of selectmen;
 - (f) The registrars of voters.

The duties of the mayor, city clerk and city treasurer shall be those set forth in the Charter of the City of Danbury.

The duties of the town clerk with the *ex officio* duties of registrar of vital statistics

and the duties of the registrars of voters shall be those set forth in the General Statutes of the State of Connecticut.

The duties of the board of selectmen shall be limited to the duties imposed upon them by the General Statutes concerning:

- (1) Elections and the admission of electors;
- (2) The viewing of fences;
- (3) Damage by dogs.

All other duties, and the concomitant powers bestowed by statute upon selectmen are conferred upon the mayor.

- (2) *The legislative department* shall consist of the board of common council provided for in the charter of the City of Danbury as amended by this Consolidation Ordinance.
- (3) *The conduct of elections* is allocated to the board of selectmen, the town clerk and the registrars of voters in accordance with the statutes made and provided.
- (4) *Budget.* The functions of the preparation and adoption of the budget are allocated to the mayor, the common council and the finance department of the City of Danbury in accordance with the charter of the said city as amended by this Consolidation Ordinance.
- (5) *Assessment.* The function of assessment of all property for tax purposes is allocated to the assessor's office as a bureau of the finance department of the City of Danbury, and to the board of tax review, as provided by the charter of said city.
- (6) *Collection of taxes.* The function of collection of taxes and charges for municipal services is allocated to the tax collector's office as a bureau of the finance department of the City of Danbury.
- (7) *The function of planning* is allocated to the planning commission of the Town of Danbury which shall henceforth be the planning commission of the City of Danbury.

- (8) *The function of zoning* is allocated to the common council as the zoning authority of the City of Danbury and to the zoning board of appeals of the said city.

Sec. III-2. Public safety.

(1) The function of police protection for the entire area of the municipality is allocated to the police department of the City of Danbury and to such other agencies as are provided by the general statutes for emergency conditions.

(2) The function of protection from fire for the entire area of the municipality is allocated to the fire department of the City of Danbury including the paid department and the volunteer companies of the entire municipality.

(3) The function of building inspection is allocated to the building inspector of the City of Danbury and his jurisdiction shall include the entire area of the municipality.

(4) The function of public weighing and measuring is allocated to the public weigher of the City of Danbury and the function of sealer of weights and measures as set forth in Connecticut General Statutes, Revision of 1958, section 43-6 [C.G.S. § 43-6], is assigned to him as an additional duty.

(5) The functions of fire marshal as set out in the General Statutes, section 29-45 [see now C.G.S. §§ 29-297—29-306], are allocated to the fire marshal of the City of Danbury.

(6) The duties of the dog warden are allocated to the police department of the City of Danbury in accordance with the statutes made and provided.

(7) The function of civil defense is allocated to the director of civil defense of the Town of Danbury who shall henceforth be the director of civil defense of the City of Danbury.

Sec. III-3. Public works.

(1) The functions of constructing, repairing and maintaining the public roads, bridges and buildings of the entire municipality and the maintenance of the city dump are allocated to the public works departments of the Town of Danbury which shall henceforth constitute the

public works department of the City of Danbury in accordance with the charter of said city as amended by this Consolidation Ordinance.

(2) The function of constructing, repairing and maintaining the public water supply and the public sewage disposal system of the municipality is allocated to the water department of the City of Danbury which is henceforth designated the public utilities department in accordance with the said charter as amended by this Consolidation Ordinance.

(3) The function of providing engineering services required by any and all municipal departments or agencies is allocated to the engineering division of the City of Danbury in accordance with said charter as amended.

(4) The functions of the tree warden are allocated to the public works department.

Sec. III-4. Public welfare.

The functions of the public welfare service are allocated to the welfare department of the Town of Danbury which henceforth shall be the welfare department of the City of Danbury.

Sec. III-5. Public health.

The functions of a public health service as required by Connecticut General Statutes, Revision of 1958, chapter 335 [see now C.G.S. ch. 368e (C.G.S. § 19a-200 et seq.)], and as provided for in the Charter of the City of Danbury, section 33 (54) through section 33 (59) are allocated to the director of health of the City of Danbury.

Sec. III-6. Public recreation.

The function of providing public parks and playgrounds and a program of public recreation is allocated to the recreation commission of the Town of Danbury which henceforth shall be the parks and recreation commission of the City of Danbury in accordance with the charter of said city as amended by this Consolidation Ordinance.

Sec. III-7. Public education.

The maintenance and administration of the public schools shall remain in the board of

education of the Town of Danbury in accordance with the statutes made and provided but the expense of their maintenance shall be defrayed by the City of Danbury as herein provided.

Sec. III-8. Miscellaneous functions and services.

(1) The function of providing legal advice and representation to the municipality is allocated to the office of the corporation counsel of the City of Danbury.

(2) The function of regulating the off-street parking of vehicles is allocated to the parking authority of the City of Danbury.

(3) The function of maintaining, developing and operating, the municipal airport is allocated to the aviation commission of the Town of Danbury, which henceforth shall be the aviation commission of the City of Danbury.

(4) The function of redevelopment as defined in Connecticut General Statutes, section 8-125, is allocated to the redevelopment agency of the City of Danbury.

(5) The function of flood control as defined in Connecticut General Statutes, chapter 477, is allocated to the flood and shore erosion board of the City of Danbury.

(6) The function of providing public housing in accordance with Connecticut General Statutes, chapter 128 [C.G.S. ch. 128 (C.G.S. § 8-38 et seq.)], is allocated to the housing authority of the City of Danbury.

(7) The usual functions of the justices of the peace and of the town constables will be retained by them.

ARTICLE IV. SERVICE AREAS

Sec. IV-1. Basic services area.

The entire area of the municipality shall be known as the basic services area and shall be provided with all of the following functions and services:

(1) General governmental services.

- (2) Public safety services.
- (3) Public works services.
- (4) Public welfare services.
- (5) Public health services.
- (6) Public recreation.
- (7) Public education.

Sec. IV-2. Urban service areas.

The public water supply and the public sewage disposal system shall be maintained at all points within the municipality where they are established on January 1, 1965 and at such other points as may be determined from time to time by the common council to be for the public convenience and necessity.

All properties which are connected with either the public water system or the public sewer system, shall constitute Urban Service Area No. 1 and shall be subject to taxation in the manner provided hereinafter in section V-2.

All properties which are connected to both the public water system and the public sewer system shall constitute Urban Services Area No. 2 and shall be subject to taxation as provided hereinafter in section V-3.

Public street lights shall be maintained wherever they are located on January 1, 1965, and at such other points throughout the municipality as may be determined by the common council to be for the public convenience and necessity, but they shall not be determinative of the type of service area where located.

ARTICLE V. TAX DISTRICTS

Sec. V-1. Basic tax district.

The entire area of the municipality, the basic services area, shall constitute the basic tax district and all property, real and personal, therein shall be taxed at an annual rate determined by the common council to be sufficient to raise an amount equal to eighty-five percent (85%) of the total net tax revenue required in each yearly budget subject, however, to the provisions of section V-4 hereof.

Sec. V-2. Urban tax district No. 1.

All properties, real and personal, that constitute Urban Service Area No. 1, except, however, automobiles, boats and aircraft, shall make up the grand list for Urban Tax District No. 1 and they shall be subject to a tax in addition to the basic tax provided in section V-1 hereinabove, which additional tax or surcharge shall be at an annual rate determined by the common council to be sufficient to raise an amount equal to seven and one-half per cent (7½%) of the total net tax revenue required in each annual budget subject, however, to the provisions of section V-4 hereof.

Sec. V-3. Urban tax district No. 2.

All properties, real and personal that constitute Urban Service Area No. 2, except, however, automobiles, boats and aircraft shall make up the grand list for Urban Tax District No. 2 and they shall be subject to a tax in addition to the basic tax and the surcharge from Urban Tax District No. 1, as hereinabove provided, which additional tax or surcharge shall be at an annual rate determined by the common council to be sufficient to raise an amount equal to the remaining seven and one-half per cent (7½%) of the total net tax revenue required in each annual budget subject, however, to the provisions of section V-4 hereof.

Sec. V-4. Tax formula; alteration thereof.

The tax formula applied in the foregoing sections V-1 through V-3, is stated in the following proportions:

Basic Tax	85% of local tax revenue
Surcharge No. 1.....	7½% of local tax revenue
Surcharge No. 2.....	7½% of local tax revenue

All property in the municipality constitutes the basic grand list and is taxable at a rate that will produce an amount equal to eighty-five per cent (85%) of the local tax revenue required in each annual budget.

All property, real and personal, that is connected to one public utility, either water, or sewer, except, however, automobiles, boats and aircraft, constitutes the grand list of Urban Tax District No. 1 and is taxable at a rate that will produce an amount equal to seven and one-half per cent (7½%) of the total tax revenue required in each such budget.

All property, real and personal, that is connected to both public utilities, water and sewer, except, however, automobiles, boats and aircraft, constitutes the grand list of Urban Tax District No. 2 and is subject to a second surcharge in addition to the surcharge for Urban Tax District No. 1, that will produce an amount equal to the remaining seven and one-half per cent (7½%) of the local tax revenue required in each annual budget.

If at any time a majority of all of the members of the common council shall determine that the proportions of the foregoing tax formula are not equitable in the light of changed circumstances, they may alter the ratio of the apportionment so as to do equity; but no such alteration shall be made until the lapse of four years from the effective date of this Consolidation Ordinance.

ARTICLE VI. ABOLITION OF UNNECESSARY OFFICES

Sec. VI-1. City offices.

The following unnecessary offices, departments, boards, commissions and/or agencies of the City of Danbury are abolished:

- (1) The City Auditor.
- (2) The City Sheriff.
- (3) The Board of Aldermen.
- (4) The Board of Health.
- (5) The Board of Estimate and Taxation.
- (6) The Barber Commission.
- (7) The Sewer Authority.
- (8) The Board of Park Commissioners.
- (9) The City Planning Commission.

Sec. VI-2. Town offices.

The following unnecessary offices, departments, boards, commissions, and/or other agencies of the Town of Danbury are abolished:

- (1) The Town Treasurer.
- (2) The Director of Health.
- (3) The Town Fire Marshal.
- (4) The Town Dog Warden.
- (5) The Sealer of Weights and Measures.
- (6) The Town Counsel.
- (7) The Board of Finance.
- (8) The Flood and Erosion Control Board.
- (9) The Town Zoning Commission.
- (10) The Town Zoning Board of Appeals.



PART II
CODE OF ORDINANCES

Chapter 1

GENERAL PROVISIONS

- | | |
|------------|--|
| Sec. 1-1. | How Code designated and cited. |
| Sec. 1-2. | Definitions and construction. |
| Sec. 1-3. | Catchlines of sections; history notes; references in Code. |
| Sec. 1-4. | Amendments to Code; effect of new ordinances; amendatory language. |
| Sec. 1-5. | Supplementation of Code. |
| Sec. 1-6. | Effect of repeal of ordinances. |
| Sec. 1-7. | Severability of parts of Code. |
| Sec. 1-8. | General penalty. |
| Sec. 1-9. | Altering Code. |
| Sec. 1-10. | Code does not affect prior offenses, rights, etc. |
| Sec. 1-11. | Effect of Code on existing signs, notices and forms; effect of renumbering by amendatory ordinance on existing signs, notices and forms. |
| Sec. 1-12. | Provisions deemed continuation of existing ordinances. |
| Sec. 1-13. | Certain ordinances not affected by Code. |



Sec. 1-1. How Code designated and cited.

The ordinances contained in the following chapters and sections shall constitute and be designated the "Code of Ordinances of Danbury, Connecticut," and may be so cited.

(Code 1961, § 1-1)

State law reference—Compilation of ordinances and special acts, C.G.S. § 7-148a.

Sec. 1-2. Definitions and construction.

In the construction of this Code, and of all ordinances, the following rules shall be observed and definitions applied, unless the context clearly indicates otherwise:

And, or. The term "or" may be read "and," and the term "and" may be read "or."

Authority. Words purporting to give joint authority to several persons shall be construed as giving authority to a majority of them.

City. The term "city" means the City of Danbury, Connecticut.

City council. The term "City Council" means the City Council of the City of Danbury, Connecticut.

Code. The term "Code" means the Code of Ordinances of Danbury, Connecticut, as designated in section 1-1.

Computation of time. Whenever a notice is required to be given or an act to be done a certain length of time before any proceeding shall be had, or any action taken, the day on which such notice is given or such act is done shall be counted in computing the time, but the day on which such proceeding is to be had, or such action taken shall not be counted. Whenever certain hours are named herein, they shall mean standard time as in current use in the City.

Gender. Words purporting the masculine gender may be applied to females, and to other persons as herein defined.

C.G.S. The abbreviation "C.G.S." refers to the General Statutes of Connecticut, as amended or revised. Any reference to a state act by title is to such act as amended or revised. Any reference

by section number to a statute that is subsequently renumbered shall be construed to be a reference to the renumbered statute.

Includes. The term "includes" does not limit a term to a specified example.

May. The term "may" is to be construed as being permissive and not mandatory.

Mayor. The term "Mayor" means the Mayor of the City of Danbury, Connecticut.

Must. The term "must" is to be construed as being mandatory.

Month, year. The term "month" or "year" means a calendar month or calendar year.

Number. Words in the singular include the plural. Words in the plural include the singular.

Officers, departments, etc. References to officers, departments, boards, commissions or employees are to city officers, city departments, city boards, city commissions and city employees.

Owner. The term "owner" includes any part owner, joint owner, tenant in common, tenant in partnership, joint tenant, or tenant by the entirety, of the whole or of a part of the property to which reference is made.

Person. The term "person" means any human being, any governmental or political subdivision or public agency, public or private corporation, any partnership, firm, association or other organization, receiver, trustee, assignee, agent, or other legal representative of any of the foregoing, or any other legal entity.

Shall. The term "shall" is to be construed as being mandatory or where appropriate, directory.

State. The term "state" means the State of Connecticut.

Tenant, occupant. The terms "tenant" and "occupant" include any person holding a written or oral lease of or who occupies the whole or a part of any building or land, either alone or with others.

Usage. Words and phrases shall be construed according to the commonly approved usage of the

language; and technical words and phrases, and such as have acquired a peculiar and appropriate meaning in the law, shall be construed and understood accordingly.

(Code 1961, § 1-2)

State law reference—Construction of statutes, C.G.S. § 1-1 et seq.

Sec. 1-3. Catchlines of sections; history notes; references in Code.

(a) The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be titles of such sections, nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or re-enacted.

(b) The history or source notes appearing in parentheses after sections in this Code are not intended to have any legal effect but are merely intended to indicate the source of matter contained in the section. Editor's notes, state law references and other references that appear after sections or subsections of this Code or which otherwise appear in footnote form are provided for the convenience of the user of this Code and have no legal effect.

(c) All references to chapters, articles, divisions, subdivisions or sections are to chapters, articles, divisions, subdivisions or sections of this Code, unless otherwise specified.

(Code 1961, § 1-3)

Sec. 1-4. Amendments to Code; effect of new ordinances; amendatory language.

(a) All ordinances passed subsequent to this Code of Ordinances which amend, repeal or in any way affect this Code of Ordinances, may be numbered in accordance with the numbering system of this Code and printed for inclusion herein. In the case of repealed chapters, sections and subsections or any part thereof, by subsequent ordinances, such repealed portions may be excluded from the Code by omission from reprinted pages affected thereby. The subsequent ordinances as numbered and printed or omitted, in the case

of repeal, shall be prima facie evidence of such subsequent ordinances until such time that this Code of Ordinances and subsequent ordinances numbered or omitted are re-adopted as a new Code of Ordinances by the City Council.

(b) Amendments to any of the provisions of this Code should be made by amending such provisions by specific reference to the section number of this Code in substantially the following language: "Section ____ of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows: ____." The new provisions should then be set out in full as desired.

(c) In the event a new section not heretofore existing in the Code, is to be added, the following language should be used: "The Code of Ordinances of Danbury, Connecticut is hereby amended by adding a section, to be numbered ____, which said section reads as follows: ____." The new section should then be set out in full as desired.

(d) All sections, articles, chapters or provisions desired to be repealed should be specifically repealed by section, article or chapter number, as the case may be.

(Code 1961, § 1-4)

State law reference—When ordinances required, C.G.S. § 7-148(b).

Sec. 1-5. Supplementation of Code.

(a) Supplements to this Code shall be prepared and printed whenever authorized or directed by the City. A supplement to the Code shall include all substantive permanent and general parts of ordinances adopted during the period covered by the supplement and all changes made thereby in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.

(b) In preparing a supplement to this Code, all portions of the Code that have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.

(c) When preparing a supplement to this Code, the person authorized to prepare the supplement may make formal, nonsubstantive changes in ordinances or resolutions and parts of ordinances or resolutions included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the person may:

- (1) Organize the ordinance material into appropriate subdivisions.
- (2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Code printed in the supplement and make changes in such catchlines, headings and titles.
- (3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers.
- (4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections ____ to ____" (inserting section numbers to indicate the sections of the Code that embody the substantive sections of the ordinance incorporated into the Code).
- (5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinances inserted into the Code.
- (6) In no case shall the person make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

Sec. 1-6. Effect of repeal of ordinances.

(a) The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed took effect.

(b) The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed under the ordinance repealed.

(Code 1961, § 1-5)

Sec. 1-7. Severability of parts of Code.

If any phrase, clause, sentence, paragraph, or section of this Code shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of any court, such unconstitutionality shall not affect any of the remaining provisions of this Code.

(Code 1961, § 1-6)

Sec. 1-8. General penalty.

(a) Whenever in this Code or in any ordinance of the City an act is prohibited or made or declared to be unlawful or an offense or violation, or wherever in such Code or ordinance the doing of an act is required or the failure to do an act is declared to be unlawful, and no specific penalty is provided therefor either by ordinance or statute, the violation of any such provision of this Code or any such ordinance shall be punishable by a fine of up to two hundred fifty dollars (\$250.00) and as may be amended by state law. Each day's violation of any provision of this Code or of any ordinance shall constitute a separate offense.

(b) As used in this section the term "violation" or "offense" does not include the failure of a City officer or City employees to perform an official duty unless it is specifically provided that such failure is to be punished as provided in this section.

(c) The imposition of a penalty does not prevent suspension or revocation of a license, permit or franchise or other administrative sanctions.

(d) The imposition of any punishment hereunder shall not prevent the enforced abatement of any unlawful condition by the City. Violations of this Code that are continuous with respect to time are a public nuisance and may be abated by injunctive or other equitable relief. The imposition of a penalty does not prevent injunctive relief.

(Code 1961, § 1-7; Ord. No. 297, 5-3-1983; Ord. No. 549, 12-5-2000; Ord. No. 681, 7-1-2008)

State law reference—Penalties for ordinance violations, C.G.S. § 7-148(c)(10)(A).

Sec. 1-9. Altering Code.

It shall be unlawful for any person to change or amend by additions or deletions, any part of this Code of Ordinances or any ordinance of the City, or to insert or delete pages or portions thereof, or to alter or tamper with such Code or ordinance in any manner whatsoever with intent that any provision of this Code or other ordinance of the City shall be misrepresented or with intent to commit a fraud thereby.

(Code 1961, § 1-8)

State law reference—Second degree forgery, C.G.S. § 53a-139.

Sec. 1-10. Code does not affect prior offenses, rights, etc.

Nothing in this Code or the ordinance adopting this Code shall affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing, or any prosecution, suit or proceeding pending or any judgment rendered, on or before the effective date of this Code. The adoption of this Code shall not be interpreted as authorizing or permitting any use or the continuance of any use of a structure or premises in violation of any ordinance or resolution in effect on the date of adoption of this Code.

Editor's note—This Code became effective on _____.

Sec. 1-11. Effect of Code on existing signs, notices and forms; effect of renumbering by amendatory ordinance on existing signs, notices and forms.

(a) All signs, notices and forms existing on the effective date of this Code that cite or refer to ordinances by reference to the 1961 edition of the City Code ("1961 Code"), as supplemented or amended, that have been codified in this Code shall be valid, notwithstanding the fact that such signs, notices and forms cite or refer to the 1961 Code and all such signs, notices and forms shall be construed to cite or refer to the successor provisions in this Code.

(b) If an ordinance renumbers any provision of this Code, all signs, notices and forms existing on the effective date of such ordinance that cite

or refer to provisions of this Code that were renumbered shall be valid and all such signs, notices and forms shall be construed to cite or refer to the renumbered provisions in this Code.

Sec. 1-12. Provisions deemed continuation of existing ordinances.

The provisions of this Code, insofar as they are substantially the same as legislation previously adopted by the City relating to the same subject matter, shall be construed as restatements and continuations thereof and not as new enactments.

Sec. 1-13. Certain ordinances not affected by Code.

Nothing in this Code or the ordinance adopting this Code affects the validity of any ordinance or portion of an ordinance listed below. Such ordinances continue in full force and effect to the same extent as if published at length in this Code.

- (1) Promising or guaranteeing the payment of money or authorizing the issuance of bonds or other instruments of indebtedness.
- (2) Authorizing or approving any contract, deed, or agreement.
- (3) Granting any right or franchise.
- (4) Providing for salaries, retirement or other employee benefits not codified in this Code.
- (5) Dedicating, establishing, discontinuing, naming, abandoning, locating, relocating, opening, paving, widening, repairing or vacating any street.
- (6) Establishing the grade of any street or sidewalk.
- (7) Levying or imposing any special assessment.
- (8) Approving any plat or subdivision.
- (9) Levying, imposing or otherwise relating to taxes not codified in this Code.

- (10) Providing traffic or parking regulations for specific locations not codified in this Code.
- (11) Rezoning property or otherwise pertaining to zoning.
- (12) That is temporary, although general in effect.
- (13) That is special, although permanent in effect.
- (14) The purpose of which has been accomplished.



Chapter 2

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ARTICLE I. IN GENERAL

Sec. 2-1. Martin Luther King Day designated, declared legal holiday.

In each year, the first Monday occurring on or after January 15th shall be known as "Martin Luther King Day" and shall be a legal holiday in and for the City of Danbury.

(Code 1961, § 2-4.01; Ord. No. 2-51, 2-25-1980; Ord. No. 297, 5-3-1983; Ord. No. 322, 2-4-1986)

State law references—Days designated as holidays, C.G.S. § 1-4; Martin Luther King Day as public school holiday, C.G.S. § 10-29a(a).

Sec. 2-2. Citations.

(a) In accordance with the provisions of C.G.S. § 7-148(c), in addition to other available methods of enforcement, the provisions of the Danbury Code of Ordinances identified in subsection (b) of this section may be enforced by citation.

(b) The officers and employees designated herein shall be authorized to issue citations for violations of the provisions of the Danbury Code of Ordinances identified below:

- (1) The Fire Chief or his designee shall be authorized to issue citations for violations of the provisions of article III of chapter 10 and section 14-79 of the Danbury Code of Ordinances.
- (2) The Health Director or his designee shall be authorized to issue citations for violations of the provisions of chapter 12, articles VI and VII and chapter 16, article II, as well as the provisions of sections 20-168 through 20-172 and 20-175.
- (3) The Director of Public Works or his designee shall be authorized to issue citations for violations of the provisions of sections 28-55, 36-1, 42-69, 48-166 through 48-171, 42-2 through 42-4, 42-33 and divisions 1 and 2 of article II of chapter 48.
- (4) Danbury Police Officers shall be authorized to issue citations for violations of the provisions of article III of chapter 10 and sections 4-1, 4-2, 4-23, 4-24, 28-51 through 28-53, 28-23, 28-56,

28-85, 44-25 and 46-121. In addition to the foregoing, Danbury Police Officers shall also be authorized to issue citations for violations of the provisions of this Code identified in subsections (b)(1) through (3) of this section.

- (5) Blight Inspector and UNIT members.
 - a. The Blight Inspector, as such official may be designated and established within the office of the Building Inspector, shall be authorized to issue citations for violations of the provisions of article V of chapter 6, pertaining to general blight remediation.
 - b. UNIT members designated to enforce exterior premises blight remediation shall be authorized to issue citations for violation of article VI of chapter 6, pertaining to exterior premises blight remediation.
- (6) The Scaler of Weights and Measures shall be authorized to issue citations imposing fines for violations of the provisions of chapter 50.
- (7) The Zoning Enforcement Officer, or his designee, shall be authorized to issue citations imposing fines for violations of the provisions of section 34-52.
- (8) The UNIT Litter Control Officer, or his designee, shall be authorized to issue citations imposing fines for violations of the provisions of article II of chapter 36.
- (9) The Director of Public Works, or his designee, shall be authorized to issue citations imposing fines for violations of the provisions of article VII of chapter 42.
- (10) The UNIT official designated to enforce violations of sections 46-4 and 46-5 shall be authorized to issue citations imposing fines for violations thereof.
- (11) Danbury Police Officers, UNIT members and the Zoning Enforcement Officer shall be authorized to issue citations imposing penalties for violations of the provisions of article III of chapter 26.

(12) In addition to those officials and those provisions of the ordinances of the City of Danbury already referenced in subsections (b)(1) through (b)(11) of this section, officers and employees designated pursuant to the provisions of any other duly enacted ordinance providing for enforcement by citation procedure are hereby so authorized.

(c) Citations shall be issued only by designated citation officers and employees and only after the issuance of a written warning. Said warning shall provide notice of the specific violation to be corrected and shall explain the citation enforcement procedures which may be used if the alleged violation is not corrected within the time provided for in said notice.

(Code 1961, § 12-34; Ord. No. 498, 2-7-1995; Ord. No. 511, 12-5-1995; Ord. No. 520, 12-3-1996; Ord. No. 550, 12-5-2000; Ord. No. 590, 1-21-2003; Ord. No. 615, 6-2-2004; Ord. No. 620, 6-2-2004; Ord. No. 622, 6-2-2004; Ord. No. 658, 11-9-2006; Ord. No. 660, 12-5-2006; Ord. No. 666, 5-1-2007; Ord. No. 676, 4-1-2008; Ord. No. 682, 7-1-2008; Ord. No. 718, § 12-34, 11-19-2012; Ord. No. 720, § 12-34, 12-4-2012)

State law reference—Citations authorized, C.G.S. § 7-148(c)(10)(A).

Sec. 2-3. Citation hearing procedure.

(a) The City of Danbury hereby adopts the citation hearing procedure established pursuant to the provisions of C.G.S. § 7-152c.

(b) The Mayor shall appoint and the City Council shall confirm two (2) or more citation Hearing Officers, other than officers or employees who issue citations, to conduct hearings authorized by C.G.S. § 7-152c. All such officers shall serve for a term of two (2) years.

(Code 1961, § 12-35; Ord. No. 498, 2-7-1995)

Secs. 2-4—2-24. Reserved.

ARTICLE II. CITY COUNCIL

Sec. 2-25. Presiding Officer; reading of record.

The Mayor, or in his absence the President of the City Council, or in the absence of both, the

Majority Leader, shall preside, and on the appearance of a quorum the Presiding Officer shall call the members of the City Council to order, and cause the records of the previous meeting to be read so that any mistakes in the record may be corrected. The reading of said record may be dispensed with on a vote to suspend the rule; provided, the Presiding Officer has approved and signed the same.

(Code 1925, p. 3; Code 1961, § 2-82; Ord. No. 297, 5-3-1983)

Sec. 2-26. Preservation of order, settlement of disputes.

The Presiding Officer shall preserve order and decorum, may speak to questions of order in preference to other members, and shall decide questions of order, subject to an appeal to the City Council, by motion regularly seconded. No other business shall be in order until the question on the appeal shall have been decided.

(Code 1961, § 2-83)

Sec. 2-27. Order of business.

(a) The order of business shall be as follows:

- (1) First, reading of notices, if any, from the Mayor.
- (2) Second, action upon the consent calendar, if any.
- (3) Third, reading of minutes of the previous meeting.
- (4) Fourth, reading and disposing of claims against the City.
- (5) Fifth, reading and disposing of petitions, communications, resolutions, remonstrances and memorials, and each petition, communication, resolution, remonstrance, memorial or other measure shall be referred to its appropriate committee, unless otherwise ordered by unanimous consent.
- (6) Sixth, reading and disposing of reports in the following order:
 - a. Streets and highways;
 - b. Buildings and encroachments;

- c. Sewers;
 - d. Waterworks;
 - e. Fire department;
 - f. Police department;
 - g. Street lights;
 - h. Health;
 - i. Nuisances;
 - j. Licenses;
 - k. Parks, tanks and fountains;
 - l. Sidewalks;
 - m. Paving and gutters;
 - n. Special committees;
 - o. Public works;
 - p. Corporation counsel; and
 - q. Miscellaneous reports.
- (7) Seventh, unfinished business, reports and ordinances.

(b) This order of proceeding shall be adhered to as a rule, except in the case of special assignments, which shall be heard at the time assigned. (Code 1925, p. 7; Code 1961, § 2-96; Ord. No. 297, 5-3-1983)

Sec. 2-28. Preferred motions; order of precedence.

(a) When a question is under debate, no motion shall be received by the Presiding Officer except:

- (1) To adjourn.
- (2) To lay on the table.
- (3) For the previous question.
- (4) To postpone to a certain day.
- (5) To commit or re-commit.
- (6) To amend.
- (7) To postpone indefinitely.

(b) These motions mentioned in subsection (a) of this section shall have precedence in the order in which they stand arranged. (Code 1925, p. 3; Code 1961, § 2-84)

Sec. 2-29. Motions to adjourn or table.

A motion to adjourn shall always be in order. A motion to adjourn or to lay on the table shall be decided without debate. (Code 1925, p. 4; Code 1961, § 2-85)

Sec. 2-30. Form, procedure for putting question.

The previous question shall be in this form: "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the members present, and until decided it shall preclude all amendments and debate of the main question. After adoption of the previous question, the sense of the City Council shall forthwith be taken upon all pending amendments in their order, and then upon the main question. (Code 1925, p. 4; Code 1961, § 2-86; Ord. No. 297, 5-3-1983)

Sec. 2-31. Subject of amendments; division of questions.

No motion or proposition on a subject different from that under consideration shall be admitted under color of an amendment. All questions shall be divided on demand of any member when the sense will admit of it. (Code 1925, p. 4; Code 1961, § 2-87)

Sec. 2-32. Referring to committees.

Except by unanimous consent, no vote shall be taken upon any ordinance, resolution or other measure until the same shall have been referred to and reported upon by an appropriate committee. (Code 1925, p. 4; Code 1961, § 2-88; Ord. No. 297, 5-3-1983)

Sec. 2-33. Form, order of considering resolutions, orders.

All resolutions or orders shall be endorsed with the name of the mover thereon and shall be taken up in the order of their presentation unless otherwise ordered or unless the subsequent

motion is previous in nature, except that in naming sums and fixing times the largest sums and longest times shall be put first.

(Code 1925, p. 4; Code 1961, § 2-89; Ord. No. 297, 5-3-1983)

Sec. 2-34. Speaking and debate by members.

(a) When a member is about to speak in debate, he shall rise from his seat and respectfully address the Presiding Officer, shall confine himself to the question under debate, and shall avoid personalities or imputing to any member improper motives.

(b) No member shall speak more than once on a question until each member choosing to speak shall have spoken, nor shall any member more than twice on the same question speak without leave of the member. When two (2) or more members rise at the same time, the Presiding Officer shall name the member who shall speak first.

(c) No member who is speaking shall be interrupted by another, except by a call to order or to correct a mistake. If any member, in speaking or otherwise, transgresses the rules of the City Council, the Presiding Officer shall, and any member may, call him to order, in which case the member so called to order shall sit down, unless permitted to explain. Where there is an appeal and a decision in favor of the member called to order, he shall be at liberty to proceed, but not otherwise.

(Code 1925, p. 5; Code 1961, § 2-90; Ord. No. 297, 5-3-1983)

Sec. 2-35. Withdrawal, reconsideration of motions.

The mover of a question may withdraw his motion at any time before a decision or amendment. When a motion has been carried in the affirmative or negative, it shall be in order for any member who voted with the majority to move a reconsideration thereof at that meeting, or at a meeting next succeeding that at which the vote was passed. Such motion shall take precedence of all other questions except a motion to adjourn.

(Code 1925, p. 5; Code 1961, § 2-91)

Sec. 2-36. Voting after announcement of decision.

No member shall be permitted, under any circumstances whatsoever, to vote after the decision is announced from the chair.

(Code 1925, p. 6; Code 1961, § 2-92)

Sec. 2-37. Statement, transcribing of motions; improper conduct during debate.

When a motion is made and seconded, it shall be stated by the Presiding Officer, or if in writing, shall be read aloud, before being debated. Every motion shall be reduced to writing if the Presiding Officer or any member desires it. During the time of debate, or when the Presiding Officer is speaking, no member shall hold private discourse or pass between the speaker and the chair.

(Code 1925, p. 6; Code 1961, § 2-93)

Sec. 2-38. Reports of committees.

(a) It shall be the duty of each committee or City Officer to whom may be referred any petition, matter or thing with instruction to report thereon, to present their report within six weeks after such reference, or sooner if specially directed, or to ask for further time.

(b) All reports of committees or City office shall be in writing and accompanied by such order, resolution or bill as the reporting committee or officer shall recommend for the action of the City Council. Upon the reading of a report, if no motion is made, the question shall always be upon the order, resolution or bill, if any, reported by them, and when that question is disposed of, upon the action of the report. Orders, resolutions or bills reported by any committee or officer may be recommitted, together with the report, at any time before their passage or rejection.

(Code 1925, p. 6; Code 1961, § 2-94; Ord. No. 297, 5-3-1983)

Sec. 2-39. Committees.

All committees of the City Council shall be appointed by the Presiding Officer. Said appoint-

ments shall be made during that session of the City Council. The first person named on said committee shall be the Chairperson thereof. (Code 1925, p. 6; Code 1961, § 2-95; Ord. No. 90, 12-6-1966)

Sec. 2-40. Consent calendar.

There shall be a consent calendar on which shall be entered such ordinances, resolutions, communications, reports or other matters as the majority leader and the minority leader, if any, or their designees, shall agree upon, and which shall be proposed to the City Council by the majority leader or his designee in the form of a motion to move to the consent calendar. In the event that there is no minority leader, the City Council President shall act in place of the minority leader for purposes of this section. At the request of a member any such item shall be removed from those included in the motion. All items on the consent calendar shall be passed on motion without discussion unless, at any time prior to the motion for passage, a member requests the removal of such item from the consent calendar, in which case such matter shall be so removed and returned to the regular agenda. No item offered by any individual member of the City Council shall be placed on the consent calendar unless it has been delivered to the Legislative Assistant who shall refer a copy thereof to the majority leader, the minority leader or their designees, for possible inclusion on the consent calendar.

(Code 1961, § 2-97; Ord. No. 256, 7-1-1980)

Sec. 2-41. Settlement of matters not covered by rules of order.

All differences of opinion in regard to points of order or the mode of proceeding not herein otherwise provided for shall be governed by parliamentary practice as set forth in the 11th Edition of "Robert's Rules of Order."

(Code 1925, p. 8; Code 1961, § 2-98; Ord. No. 91, 12-6-1966)

Secs. 2-42—2-70. Reserved

ARTICLE III. OFFICERS AND EMPLOYEES*

DIVISION 1. GENERALLY

Sec. 2-71. Merit system adopted.

The provisions of C.G.S. ch. 113, pt. I (C.G.S. § 7-407 et seq.) having been approved and adopted by the voters of the City in the manner provided for by C.G.S. § 7-407, shall be in full force and effect for all departments of government of the City, except employees of the Board of Education.

(Code 1961, § 2-16.1; Ord. No. 42, 10-27-1965)

State law reference—Merit systems, C.G.S. § 7-148(c)(5)(B).

Sec. 2-72. Surrender of records, City property by retiring officers and employees.

All officers and employees of the City at the expiration of their several terms of office or employment, or upon their resignation, removal or retirement, unless otherwise provided for by the charter or ordinances of the City, shall forthwith turn over all records, books, papers, maps, plans, tools, apparatus, equipment, or other property belonging to the City, then in their possession and custody. All employees shall turn over said materials to their department head, all department heads shall turn over said materials to the Mayor and all elected officials shall turn over said materials to the Town Clerk. Any person violating any of the provisions of this section shall forfeit and pay a fine not exceeding one hundred dollars (\$100.00).

(Code 1925, §§ 169, 170; Code 1961, § 2-17)

Sec. 2-73. Assistant Director of Finance; position created; duties; qualifications; appointment.

(a) *Position created.* There is hereby created, within the Department of Finance, the position of Assistant Director of Finance.

**State law references*—General powers relative to municipal officers and employees, C.G.S. § 7-148(c)(5); municipal employees generally, C.G.S. § 7-407 et seq.

(b) *Duties.* The Assistant Director of Finance shall assist the Director of Finance in the administration of the financial affairs of the City. The Assistant Director of Finance shall assist the Director in the supervision of the Department of Finance, in the supervision of the accounting functions of the City and in the maintenance and supervision of the general accounting system for all departments, offices, boards, commissions or agencies of the City.

(c) *Qualifications.* No person shall be appointed Assistant Director of Finance unless:

- (1) Said person shall have graduated from a four-year college, with a minimum of twenty-four (24) semester hours of major courses in accounting and/or finance and shall possess such other qualifications as shall be deemed sufficiently equivalent by the Director of Finance, in consultation with the Director of Human Resources;
- (2) Said person shall have had a minimum of three (3) years' experience in the area of municipal accounting or shall have been employed for a period of not less than three (3) years in active participation on municipal audits with a certified public accounting firm; and
- (3) Said person shall have met all of the qualifications lawfully imposed under the merit system of the City.

The requirements of subsection (c)(2) of this section hereof may be waived for candidates who are certified public accountants.

(d) *Appointment.* The Assistant Director of Finance shall be appointed by the Mayor, subject to the approval of the City Council.
(Code 1961, § 2-66.3.1; Ord. No. 109, 7-21-1967; Ord. No. 297, 5-3-1983; Ord. No. 411, 3-5-1991; Ord. No. 582, 11-7-2002)

Sec. 2-74. City Engineer; responsibility for maps, surveys.

The City Engineer shall have the care and custody of all the maps and plans of the public works and improvements of the City, the care and custody of which is not otherwise provided

for. He shall make and prepare all surveys, maps, profiles, calculations, drawings and specifications required for the use of the City, and shall perform all surveying and engineering services which may be required of him by the City Council, and by each and every department of the City government.

(Code 1925, § 32; Code 1961, § 2-19; Ord. No. 297, 5-3-1983)

Sec. 2-75. Deputy Corporation Counsel.

There shall be a Deputy Corporation Counsel who shall be appointed by the Mayor and confirmed by the City Council and who shall devote full time to the office. The Deputy Corporation Counsel shall be an attorney-at-law admitted to practice in the State of Connecticut. At the request of the Mayor or the Corporation Counsel the Deputy Corporation Counsel shall act on behalf of the Corporation Counsel and in such instances shall possess all the powers and duties of the Corporation Counsel. The Deputy Corporation Counsel shall serve until his successor is appointed and the appointment is confirmed.

(Code 1961, § 2-36; Ord. No. 583, 11-7-2002)

Sec. 2-76. City Historian.

(a) *Purpose.* Pursuant to C.G.S. § 7-148, a City Historian shall be appointed in the City of Danbury to promote a knowledge, appreciation and dissemination of Danbury history.

(b) *Qualifications:*

- (1) The City Historian shall be a legal resident and elector of the City of Danbury.
- (2) The City Historian shall be qualified by a knowledge of Danbury history as well as general state and American history, by a knowledge of historical research, and by good writing and speaking skills.

(c) *Term of office and method of appointment:*

- (1) The City Historian shall be appointed to a term of two (2) years. The City Historian shall be appointed by the Mayor and confirmed by the City Council.

- (2) A vacancy in the office of City Historian shall be filled by the Mayor for the unexpired portion of the term.

(d) *Duties and responsibilities.* The City Historian shall:

- (1) Promote an awareness of and an appreciation for the City's history through research, writing and public speaking; through publications, projects, exhibits, displays, celebrations and commemorations; through the maintenance of plaques, markers and monuments; and through the preparation of classroom aids, guides, workshops and training.
- (2) Advise the Mayor and the City Council on historical issues and subjects, including historical objects, historical structures and sites, historical districts, national register properties and historic preservation.
- (3) Serve as a liaison among the City's museums, libraries and historical associations, and with similar outside groups, to encourage historical coordination, cooperation and resource sharing.
- (4) Maintain a reference library of historic information and serve as a central referral point for inquiries regarding Danbury history.
- (5) As appropriate, supervise staff and programs of the City, maintain an office, expend funds and obtain contributions and grants to carry out the aforesaid duties.

(Code 1961, § 2-34; Ord. No. 363, 6-7-1988)

State law reference—Municipal historians authorized, C.G.S. § 7-148(c)(5).

Sec. 2-77. Justices of the Peace.

The number of justices of the peace to be selected in the City shall be forty-five (45).

(Code 1961, § 2-35; Ord. No. 443, 7-7-1992; Ord. No. 516, 6-4-1996)

State law references—Authority to fix number of justices of the peace, C.G.S. § 9-183a; justices of the peace generally, C.G.S. § 51-95 et seq.

Secs. 2-78—2-97. Reserved.

DIVISION 2. CODE OF ETHICS*

Sec. 2-98. Code established; purpose.

There is hereby established a code of ethics for all City officers and employees, whether elected or appointed, paid or unpaid. The purpose of this code is to establish suitable ethical standards of conduct of all such officers and employees by prohibiting acts or actions incompatible with the best interest of the City of Danbury. The provisions and purposes of this division and such rules, regulations and standards as shall be established, are hereby declared to be in the best interest of the City of Danbury.

(Code 1961, § 2-165; Ord. No. 281, § 1, 3-2-1982)

Sec. 2-99. Actions constituting unfaithfulness to public office.

(a) The following actions shall be deemed to constitute unfaithfulness to the duties of public office and unsuitability to the requirements of public service and shall constitute sufficient cause for action by the Board of Ethics hereunder:

- (1) No City officer or employee shall represent private interests other than his own or those of his spouse or minor children before any City board, commission or agency or in any matter or litigation affecting the City, except as his official duty may require, provided that no such officer or employee shall represent private interests in any matter whatsoever affecting his board, agency, department or commission. Any such person may appear before City boards, commissions and agencies on behalf of his constituent in the course of his duties as a representative of the electorate or the performance of civic obligations wherever no retainer, compensation or gift shall be accepted in connection with such representation.
- (2) No City officer or employee shall willfully and knowingly disclose, for pecuniary gain, to any other person, confidential information acquired by him in the course

***State law reference**—Local ethics ordinances, C.G.S. § 7-148(c)(10)(B).

of and by reason of his official duties or employment, or use any such information for the purpose of pecuniary gain.

- (3) No City officer or employee or candidate for public office shall solicit or accept anything of value, including, but not limited to, a gift, loan, political contribution, reward or promise of future employment based on any understanding that the vote, official action, or judgment of the public officer or employee or candidate for public office would be or had been influenced thereby; except that nothing shall be construed to limit the right of any officer or employee to engage in a normal commercial transaction which is in no way related to or conflicts with the interests of the City.
- (4) No City officer or employee shall engage in or accept private employment or render service, for private interests, when such employment or service is incompatible with the proper discharge of his official duties or would tend to impair his independence of judgment or action in the performance of his official duties, unless otherwise permitted by law and unless disclosure is made to the Board of Ethics.
- (5) No City officer or employee shall request or permit the unauthorized use of City-owned vehicles, equipment, materials or property for personal convenience or profit.
- (6) No City officer or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.

(b) The above list of practices is not exhaustive and the City Council may, in its discretion, define by ordinance additional specific practices as cause for disciplinary action pursuant to the policy stated in section 2-98.

(Code 1961, § 2-166; Ord. No. 281, § 2, 3-2-1982)

State law reference—Conflicts of interest, C.G.S. § 7-148h.

Sec. 2-100. Noncompliance with Charter section 8-3; opportunity to be heard.

The provisions of this section notwithstanding, prior to a determination of noncompliance with the provisions of Danbury Municipal Charter section 8-3 or this division, the office holder or employee shall be given the opportunity to be heard by the City Council at a public hearing and shall be given reasonable notice of the time and place of such hearing and a statement of the charges pending against him. Any such office holder or employee may, if desired, be represented by counsel and may meet the charges with witnesses and evidence. No municipal officer or employee may be removed from office or employment or otherwise penalized by a vote of the City Council except for cause.

(Code 1961, § 2-167; Ord. No. 281, § 3(b), 3-2-1982)

Sec. 2-101. Board of ethics generally.

(a) *Board created, requirements of members.* There is hereby created and established a board of ethics consisting of five (5) persons who shall hold no other office or employment in the City. At least one of said members shall be an attorney at law of the State of Connecticut, and said member may be, but shall not be required to be, a resident of the City. All other members shall be residents of the City of Danbury.

(b) *Appointment and terms of members.* The members of said board of ethics shall be appointed by the Mayor subject to confirmation by the City Council. They shall serve for a term of two (2) years. Members shall hold office for the term as specified herein and until successors are appointed and confirmed. Vacancies shall be filled for unexpired portions of the term by appointment by the Mayor subject to confirmation by the City Council.

(c) *Meetings; adoption of rules and conduct.* Members of the board of ethics shall meet annually to elect a Chairperson. The board shall adopt rules for the conduct of its business.

(d) *Advisory opinions.* Upon written request for any officer or employee concerned, the board shall render written advisory opinions based

upon the provisions of section 8-3 of the Danbury Municipal Charter and this division. The board shall file its advisory opinions with the Town Clerk, but shall delete references to the identity of the officer, employee or other party involved where such disclosure would constitute an invasion of personal privacy.

(e) *Investigations.* Upon the sworn complaint, on a form prescribed by the board of ethics, signed under penalty of false statement, of any person, or upon its own complaint, alleging facts which if true would constitute improper conduct under the provisions of section 8-3 of the Danbury Municipal Charter or this division, the board of ethics shall conduct an investigation of such alleged violation. The board of ethics shall not later than five (5) days after receipt or issuance of such complaint notify by registered or certified mail any officer or employee against whom such complaint is filed and a copy of such complaint shall accompany such notice. The board of ethics shall also notify the complainant of its receipt of such complaint not later than five (5) days thereafter. Any investigation to determine whether or not there is probable cause that a violation of Danbury Municipal Charter section 8-3 or this division has occurred shall be concluded within sixty (60) days of the initiation of any complaint hereunder. An investigation to determine whether or not there is probable cause that a violation of Danbury Municipal Charter section 8-3 or this division has occurred shall be conducted in public and subject to the disclosure requirements of the Freedom of Information Act, C.G.S. ch. 14 (C.G.S. § 1-200 et seq.), except when and if confidentiality is necessary and appropriate in accordance with the provisions of the Freedom of Information Act, C.G.S. ch. 14 (C.G.S. § 1-200 et seq.). The officer or employee involved shall have the right to appear and be heard and to offer any information which may tend to clear him of probable cause indicating that he has violated any provision of Danbury Municipal Charter section 8-3 or this division. The officer or employee involved shall also have the right to be represented by legal counsel and examine and cross-examine witnesses. The board of ethics shall make no finding that there is probable cause to believe that the officer or employee

involved is in violation of any provision of Danbury Municipal Charter section 8-3 or this division except upon the concurring vote of three (3) of its members. The board of ethics shall not later than three (3) business days after the termination of such investigation notify the complainant and the officer or employee involved that the investigation has been terminated and the results thereof. Within three (3) days following the termination of any investigation hereunder, the board shall, in written findings of facts and conclusions based thereon, make recommendations to the City Council concerning the propriety of the conduct involved and appropriate penalties attaching to such conduct, if any. The board shall transmit its findings and recommendations to the City Council which shall make the final determination concerning the propriety of the conduct involved in accordance with the procedural requirements of section 2-100 and which shall determine appropriate penalties attaching to such conduct.

(Code 1961, § 2-168; Ord. No. 281, § 4, 3-2-1982; Ord. No. 356, 10-6-1987)

State law reference—Board of ethics authorized, C.G.S. § 7-148h.

Sec. 2-102. Cooperation of City boards, departments, commissions, etc.; power to administer oaths.

The board of ethics shall have the cooperation of all boards, departments, commissions, agencies, officers and employees in the performance of its duties hereunder. The board shall be authorized to obtain the assistance of the Police Department of the City of Danbury in pursuing any investigation hereunder. For purposes of investigation the board of ethics shall have the power to administer oaths, compel attendance of witnesses and require the production of books and papers.

(Code 1961, § 2-169; Ord. No. 281, § 5, 3-2-1982)

Sec. 2-103. Appeal of decision of City Council.

Any person aggrieved by any final decision of the City Council may, pursuant to this section, appeal such decision to a court of competent jurisdiction.

(Code 1961, § 2-170; Ord. No. 281, § 6, 3-2-1982)

Sec. 2-104. Provisions subject to civil service rules and regulations.

The provisions hereof shall be subject to any provisions of the civil service rules and regulations and to any provision of any collective bargaining agreement applicable to the employee or officer involved and particularly to any grievances procedure made available to such employee or officer.

(Code 1961, § 2-171; Ord. No. 281, § 7, 3-2-1982)

Sec. 2-105. Penalties.

(a) *Penalties for violation of Charter section 8-3.* Any City officer or employee who violates section 8-3 of the Danbury Municipal Charter may, after notice and investigation as provided in section 2-168 hereof, upon the advice and recommendation of the board of ethics, established in section 2-168, be subject to the following penalties as may be determined by the City Council by a vote of two-thirds ($\frac{2}{3}$) of all members of the City Council:

- (1) A fine not to exceed one hundred dollars (\$100.00);
- (2) Forfeiture of such office or position; and/or
- (3) The voidance of any purchase, contract or order made in contravention of Danbury Municipal Charter section 8-3.

(b) *Penalty for refusal to obey subpoena.* Any person who refuses to obey the subpoena of the board of ethics shall be fined not more than one hundred dollars (\$100.00).

(c) *Penalty for violation of division; exception.* Except as provided in subsection (a) of this section the City Council may impose fines for violation of this division in amounts not to exceed one hundred dollars (\$100.00).

(Code 1961, § 2-173; Ord. No. 281, §§ 3(a), 5, 9, 3-2-1982)

State law reference—Penalties for ordinance violations, C.G.S. § 7-148(c)(10)(A).

Sec. 2-106. Power to discipline not affected.

The provisions hereof shall not limit the power of the City Council to discipline its members, shall not limit the power of agencies, boards or

commissions to discipline their officers or employees, nor limit the power of other City officers to discipline subordinates.

(Code 1961, § 2-174; Ord. No. 281, § 10, 3-2-1982)

Secs. 2-107—2-125. Reserved.

ARTICLE IV. DEPARTMENTS

Sec. 2-126. Department of Permit Coordination.

(a) *Duties and responsibilities of department.* The Department of Permit Coordination shall be responsible for coordinating action by all municipal departments upon permit applications submitted to them. The Department of Permit Coordination shall monitor the permitting activities of the departments, ensuring that each department works in concert with every other department as well as with every land use board and commission, so that, to the maximum extent possible, permit applications are handled fairly and efficiently while balancing the needs of the applicants with those of the general public. The Department of Permit Coordination shall meet with the staff of each municipal land use board and commission to coordinate action on pending land use proposals by each such agency with action by municipal departments. Subject to existing provisions of federal, state and local law, the Department of Permit Coordination shall have authority to prioritize and establish timetables and deadlines for review of and action upon permit applications by municipal departments. The Department of Permit Coordination shall be responsible for coordinating and evaluating existing training programs and when necessary, making recommendations to the Mayor regarding training enhancements as they relate to the permit process. The Department of Permit Coordination shall be responsible for public dissemination of information relating to the permit process, thereby promoting public awareness of the process. The Department of Permit Coordination, working in concert with appropriate municipal officials, shall propose and advocate

amendments to existing laws relating to municipal permits in an effort to facilitate economic development within the City.

(b) *Director of Permit Coordination.* The Director of Permit Coordination shall manage and supervise all activities and employees of the department. The Director of Permit Coordination shall have a degree from an accredited four-year college or university with a bachelor's degree in architecture, engineering, planning, public administration or a related field and shall have a minimum of five (5) years' experience in a management capacity. The Director of Permit Coordination shall be responsible to the Mayor. (Code 1961, § 2-60; Ord. No. 529, 10-7-1997)

Secs. 2-127—2-150. Reserved

ARTICLE V. FINANCE*

Sec. 2-151. Reports by Treasurer on indebtedness.

The Treasurer shall report at the end of each fiscal year, or as requested by the City Council, to the City Council the amount of his disbursements during the fiscal year for principal and interest on the bonded and floating indebtedness of the City, which reports, upon approval of the City Council, shall be entered by the City Legislative Assistant upon the records of the City, and charged to the specific appropriation therefor. (Code 1925, § 5; Code 1961, § 2-26)

Sec. 2-152. Town Clerk may sign checks; when.

Pursuant to the provisions of section 6-1 of the Danbury Municipal Charter, as amended, the City Council does hereby designate the Town Clerk as the municipal official who shall be authorized to sign checks on behalf of the City in the event of the inability to act or the absence of the treasurer. (Code 1961, § 2-66; Ord. No. 410, 3-5-1991)

***State law references**—Municipal finance generally, C.G.S. § 7-398 et seq.; fiscal years and budgets, C.G.S. § 7-381 et seq.; bond issues, C.G.S. § 7-369 et seq.

Sec. 2-153. Electronic payments.

(a) *Electronic payment system; authorized.* The Tax Collector is authorized to establish and implement an electronic system for the payment of real and personal property taxes, utility use charges and other assessments, fines, fees or charges due the City of Danbury through the use of electronically supplied credit or debit card information, electronic checks or other electronic methods of payment as may be available currently or as may be developed in the future.

(b) *Service fees.* The Tax Collector shall impose a commercially reasonable fee for the use of the electronic payment system, which shall be in an amount sufficient to defray the administrative expenses associated with the system. The Tax Collector shall impose a commercially reasonable fee for all electronic checks returned for insufficient funds. Any such fees shall be communicated to residents and taxpayers prior to their use of the system.

(c) *Regulatory compliance.* The Tax Collector shall ensure that the electronic payment system is established and operated in conformity with the requirements of federal and state law, in general, and with requirements of the Uniform Commercial Code, the National Automated Clearing House Association and Federal Reserve rules and regulations, in particular, regarding electronic funds transfers, as the same may be in effect or amended from time to time. (Code 1961, § 18-30; Ord. No. 598, 4-1-2003)

Sec. 2-154. Refusal to accept unwrapped coins.

Neither the tax collector nor any other officer or employee of the city shall be required to accept coins in excess of ten dollars (\$10.00) for payment of any amounts owed to the city for taxes, assessments, use charges or other debts of any kind. In addition, no more than forty-nine cents (\$0.49) in pennies, one dollar ninety-five cents (\$1.95) in nickels, four dollars ninety cents (\$4.90) in dimes or nine dollars seventy-five cents (\$9.75) in quarters will be accepted within any payment, unless the coins are wrapped in coin wrappers acceptable to the city. In addition, any city officer or employee handling a cash

transaction may refuse to accept it if the quantity of cash being tendered is deemed by the officer or employee to be too voluminous or disruptive for their office to handle in the normal course of business. It shall be a violation of this section for a taxpayer to depart before a cash transaction has been verified and a receipt issued for the amount of the payment. The Director of Finance is hereby authorized to enforce the provisions of this section through the issuance of citations, in accordance with the provisions of section 2-2. (Code 1961, § 18-24; Ord. No. 473, 6-1-1993; Ord. No. 708, 7-6-2011; Ord. No. 6, 1-7-2014)

Sec. 2-155. Acceptable methods of payment for delinquent motor vehicle personal property tax.

The Tax Collector of the City of Danbury shall not accept payment of any delinquent motor vehicle personal property tax unless said payment is made in cash or by bank check or money order or through the use of a credit card that has been approved by said Tax Collector. (Code 1961, § 18-21; Ord. No. 372, 2-6-1989)

Sec. 2-156. Service charge imposed for checks returned for insufficient funds.

The City of Danbury shall impose a twenty dollars (\$20.00) service charge with respect to any check returned, without payment, due to the insufficiency of funds within the account upon which the check is to be drawn. (Code 1961, § 18-22; Ord. No. 329, 5-1-1990; Ord. No. 613, 6-2-2004)

State law reference—Service charge for bad checks authorized, C.G.S. § 52-565a.

Secs. 2-157—2-180. Reserved.

ARTICLE VI. PURCHASING AND PROCUREMENT

DIVISION 1. GENERALLY

Sec. 2-181. Authorization of contracts generally.

(a) *Generally.* No contract on behalf of the City shall be binding unless the person making the same on behalf of said City, shall be duly

authorized so to do by the charter of the City, or by the ordinances thereof, or by a special vote of the City Council. Such authorization shall be duly entered upon the books of the City by the City Legislative Assistant.

(b) *Public improvements contracts.* All contracts for public improvements, including but not limited to public buildings, under the direction and control of the Department of Public Works, shall be made on behalf of the City by the Mayor or the purchasing agent in accordance with this chapter. (Code 1925, § 1; Code 1961, §§ 2-1, 2-130; Ord. No. 43, § 1, 10-27-1965)

Secs. 2-182—2-200. Reserved.

DIVISION 2. PROCUREMENT CODE

Sec. 2-201. Regulations.

The purchasing agent shall issue procedural regulations to amplify this division, which regulations shall be effective upon approval by the City Council. Reference is made to procedures or regulations as contained in Exhibit A hereto attached. The provisions of Exhibit A shall be read and interpreted so as to be consistent with this division and shall be deemed to supplement the provisions thereof.

(Code 1961, § 2-154; Ord. No. 425, 9-4-1991)

Editor's note—Exhibit A referred to above has not been included herein, but can be found on file for public inspection in the legislative assistant's office.

Sec. 2-202. Competitive purchasing.

(a) Subject to the further provisions of this division, it shall be the objective of the purchasing department to have all purchases and contracts made by competitive bids and it shall be the duty of the purchasing agent to obtain three (3) or more price quotations on all purchases where practical. All purchases or contracts shall be awarded to the responsible bidder offering the lowest bid price subject to the further provisions of this section and sections 2-207(b) and 2-210.

(b) In addition to lowest price, the purchasing agent and the board of awards shall consider the following in their determination of who shall be the lowest responsible bidder:

- (1) The quality of the articles, merchandise or services to be supplied.
- (2) The conformity of the submission to the specifications.
- (3) The suitability of the articles, merchandise or services to the requirements of the City department involved.
- (4) The ability, capacity and skill of the bidder to perform the contract or to provide the service required.
- (5) The ability of the bidder to perform the contract or provide the service promptly, or within the time specified, without delay or excuse.
- (6) The character, integrity, reputation, judgment, experience and efficiency of the bidder as measured by, but not limited to, past performance.
- (7) The previous and existing compliance by the bidder with laws, regulations and ordinances relating to the contract or service.
- (8) The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service.
- (9) The ability of the bidder to provide future maintenance and service (if applicable) for the subject of the contract.
- (10) Such other relevant factors which may be deemed necessary by the purchasing agent, the department involved or the board of awards.

(Code 1961, § 2-145; Ord. No. 425, 9-4-1991; Ord. No. 454, 2-2-1993)

Sec. 2-203. Purchasing and bidding procedure; reverse auction option.

(a) *Sealed bids.* If the amount of the expenditure, purchase or contract for purchasing, including a continuing order or contract for

the purchase of the same commodity over a period of twelve (12) months, involves the expenditure of ten thousand dollars (\$10,000.00) or more, for a list of related items commonly sold by the same vendors, the purchasing agent shall invite sealed bids or proposals, giving at least five (5) days' public notice thereof by publication at least once in a newspaper having circulation in the city, by invitations mailed to known vendors and by posting on a public bulletin board in the office of the purchasing agent. All invitations to bid shall include detailed specifications or indicate where they can be obtained, shall specify the time and place where the bids shall be filed, the time and place where bids will be opened and the time after opening within which an award will be made or all bids rejected. The requirements for public notice and sealed bids concerning a purchase may be waived by the City Council after a determination that it is in the best interest to do so. The foregoing provisions of this subsection notwithstanding, invitations for sealed bids or proposals, at the discretion of the purchasing agent, shall not be required for contracts for services or where the proportion of services to materials for a particular job is at least seventy (70) percent labor.

(b) *Public bid opening.* Bids shall be publicly opened by the purchasing agent at the time and place specified and the full detail of each bid shall be recorded. The agent may, at his discretion, invite interested city personnel to the public opening if, in his judgment, it would be of benefit to the process. An abstract of the record of bids shall be posted for public inspection and shall have added to it information indicating the basis for awarding the contract or purchase order and the name of the successful bidder. Such abstract shall remain posted for five (5) days after the award has been made.

(c) *Failure to provide necessary information.* If any prospective bidder fails, neglects or refuses to furnish the purchasing agent with such financial statements and other information as may be required to determine his responsibility as a bidder, his bid shall not be considered. If he fails, neglects or refuses to submit bids in response to not fewer than three (3) consecutive requests therefor on commodities of a class furnished by

him, his name may be removed from the list of prospective bidders. Bid irregularities or informalities may be waived by the purchasing agent with prior approval of the office of the corporation counsel.

(d) *Certified check/bid bond.* In connection with each advertised request for bids, the purchasing agent may require a certified check or a bid bond to be submitted with the bid, which checks or bid bonds shall be submitted subject to any requirements governing contracts for work to be done on city projects. A certified check or bid bond need not be required for the purchase of commercially available commodities. In the event any bidder shall refuse to accept, within a time specified by the purchasing agent, a contract awarded to him, he shall forfeit his bond to the city, and such contract may be awarded to the next lowest responsible qualified bidder, subject to the same terms and conditions as set forth herein.

(e) *Reverse auction.* Pursuant to the provisions of C.G.S. § 4A-60b, whenever the City, through the Purchasing Agent, determines that the use of a reverse auction is advantageous to the City and will ensure a competitive contract award, the City may use a reverse auction to award a contract for goods or supplies, in accordance with any applicable requirement of the general statutes and policies of the City. The City may contract with a third party to prepare and manage any such reverse auction. The reverse auction process may be utilized for goods or supplies in lieu of a sealed bid or request for proposal provided that it is properly advertised and all other applicable award procedures are followed.

(Code 1961, § 2-146; Ord. No. 425, 9-4-1991; Ord. No. 447, 8-4-1992; Ord. No. 28(2), § 2-146, 6-7-2016)

State law reference—Competitive bidding, C.G.S. § 7-148v.

Sec. 2-204. Bidding procedure.

(a) Formal sealed bids shall be solicited by publication; by invitation mailed to known contractors and by posting on a public bulletin board in the office of the purchasing agent. All invitations to bid shall include detailed specifications or

indication as to where they can be obtained, shall specify the time and place where the bids shall be filed, the time and place where bids will be opened and the time after opening within which an award will be made or all bids rejected.

(b) Bids shall be opened at the time and place specified and the full details of all bids shall be recorded.

(c) An abstract of the record of bids shall be posted for public inspection; shall have added to it information indicating the basis for awarding the contract and the name of the successful bidder; and shall remain posted for five (5) days after the award has been made.

(d) If any prospective bidder shall neglect or refuse to furnish the purchasing agent with such financial statement and other information as may be required to determine his responsibility as a bidder, his bid shall not be considered.

(e) The board of awards may waive any irregularities or informalities on any bids submitted.

(Code 1961, § 2-132; Ord. No. 43, § 3, 10-27-1965; Ord. No. 297, 5-3-1983)

Sec. 2-205. Purchases under ten thousand dollars (\$10,000.00).

(a) If the amount of expenditures is estimated to be less than ten thousand dollars (\$10,000.00), the purchase may be made in the open market without the necessity for formal advertising or competitive bidding, except that where the amount is estimated to be between five thousand dollars (\$5,000.00) and ten thousand dollars (\$10,000.00), written quotations from at least three (3) bidders are to be obtained whenever possible; where the amount is greater than one thousand dollars (\$1,000.00) but less than five thousand dollars (\$5,000.00), at least three (3) verbal quotes for pricing shall be obtained.

(b) Purchases or sales in sums less than one thousand dollars (\$1,000.00) may be awarded based on a single bid, or competitive bids which may be sought and accepted orally.

(c) Local purchase orders may be used at the discretion of the city department involved for work in progress with authorization by the purchasing agent, provided that such purchase order does not involve an amount greater than two hundred dollars (\$200.00).

(Code 1961, § 2-147; Ord. No. 425, 9-4-1991; Ord. No. 503, 6-6-1995; Ord. No. 28(1), § 2-147, 6-7-2016)

Sec. 2-206. Award by purchasing agent; board of awards; cooperative purchasing.

All awards for projects, materials or services, including "piggybacking" for projects, materials or services awarded by state, federal, educational, or such other recognized lawfully sanctioned consortia or cooperative awards serving the local government interest as determined by the purchasing agent, shall be made by the purchasing agent after consultation with the department involved in the purchase and in accordance with the provisions hereof so long as the dollar amount of such projects, materials or services does not exceed fifteen thousand dollars (\$15,000.00). All such awards involving expenditure of greater than fifteen thousand dollars (\$15,000.00) shall be awarded by the board of awards, which board shall be composed of any three (3) of the following individuals: the Director of Finance, the Corporation Counsel, the department head whose department is involved with the purchase or the purchasing agent. The duly designated assistant to such individuals may act in their place in the event of the absence of the board of awards member involved.

(Code 1961, § 2-148; Ord. No. 425, 9-4-1991; Ord. No. 524, 3-4-1997; Ord. No. 27, § 2-148, 6-7-2016)

Sec. 2-207. Required contract provisions.

(a) All contracts entered into by the City of Danbury for the construction, alteration or repair of any public building or public work and employing mechanics, laborers and workmen in the performance of work under the contract shall incorporate the following provisions:

- (1) Consistent with the requirements of section 8-7 of the Danbury Municipal Charter,

concerning the employment of mechanics, laborers and workmen, the contractor and all lower tiered subcontractors shall give employment preference to citizens of the Danbury labor market area as established by the state labor commissioner in accordance with C.G.S. ch. 557, pt. III (C.G.S. § 31-52 et seq.) and C.G.S. § 7-112.

- (2) The contractor and all lower tiered subcontractors may hire mechanics, laborers and workmen who reside outside the Danbury labor market area if provisions of existing labor agreements prevent compliance with the requirements of this section, or if the specifically required skills are not available in the Danbury labor market. In either event, prior to commencement of performance, the contractor and all lower tiered subcontractors shall submit their reasons for such action in writing along with supporting documents to the City. Such documents may consist of, but need not be limited to, labor agreements, lists of names and addresses of mechanics, laborers and workmen or labor representatives contacted in the Danbury labor market area and lists of required positions for which personnel were not available in the Danbury labor market area. The contractor and all lower tiered subcontractors shall submit such relevant documents and other information as may be requested by the City to determine compliance with this section. In order to monitor compliance with this section the City may request relevant information and documentation from the contractor or from subcontractors at any time during the term of the contract. The contractor shall comply with or arrange for compliance with all such requests promptly.
- (3) Prior to the commencement of performance of contracts governed by this section the contractor shall forward a written statement indicating the name, address and occupational title of each mechanic, laborer and workman scheduled

to perform work for the contractor under the contract. The contractor shall ensure that all lower tiered subcontractors provide similar information to the City with respect to their mechanics, laborers and workmen. The contractor and all subcontractors shall file written amendments to previously filed statements whenever new mechanics, laborers or workmen perform work under the contract. All such amended statements shall be filed before any new mechanic, laborer or workman commences work under the contract.

- (4) Every two (2) weeks during the term of the contract the contractor and all lower tiered subcontractors performing work under the contract shall forward payroll records to the City covering the preceding two-week contract period.
- (5) The contractor and all lower tiered subcontractors performing work under the contract must comply with the obligations established under state and federal laws to pay lawful prevailing rates to their employees. Pursuant to the provisions of C.G.S. § 31-53(h), the prevailing wage requirements do not apply to rehabilitation, remodeling, refinishing, refurbishing, alteration or repair of any project where the total cost of all work performed by contractors and subcontractors is less than one hundred thousand dollars (\$100,000.00) or, with respect to new construction, where the total cost of all work performed is less than four hundred thousand dollars (\$400,000.00).

(b) All contracts entered into by the City of Danbury for the construction, alteration or repair of any public building or public work shall contain the following provisions providing for equal opportunity in employment.

- (1) The contractor and all lower tiered subcontractors agree and warrant that in the performance of work under this contract they shall not discriminate or permit discrimination in employment against any person or group of persons

on the grounds of race, color, religious creed, age, marital status, national origin, sex, ancestry, present or past history of mental disability, mental retardation, learning disability or physical disability, including, but not limited to, blindness, or sexual orientation or civil union status, unless it is shown by such contractor or subcontractor that such disability prevents performance of the work under the contract. The contractor and all lower tiered subcontractors also agree that for purposes of monitoring compliance with the provisions of this section they shall provide the City with such information as may be requested concerning their employment practices and procedures. For purposes hereof, discrimination in employment shall include, but need not be limited to, employment advertising, recruitment, layoff, termination, rates of pay or other forms of compensation, conditions or privileges of employment and selection for apprenticeship.

- (2) The contractor and all lower tiered subcontractors shall post notices in conspicuous places on the project site describing the provisions of this subsection.
- (3) Nothing contained herein is intended or shall be construed to relieve any contractor or subcontractor from compliance with applicable federal or state law concerning equal employment opportunity, affirmative action or nondiscrimination.

(c) All contracts entered into by the City of Danbury contemplating work utilizing trades or occupations for which state certified apprenticeship programs exist shall incorporate provisions requiring the contractor and all lower tiered subcontractors to be affiliated with such programs. The contractor or any lower tiered subcontractor may be relieved from compliance with the provisions of this subsection if provisions of existing labor agreements prevent compliance with the requirements hereof. In that event, prior to commencement of performance, the contractor or subcontractor shall submit their reasons for such action in writing along with supporting

documents to the City. The contractor and all lower tiered subcontractors shall submit such relevant documents and other information as may be requested by the City to determine compliance with this section. In order to monitor compliance with this section the City may request relevant information and documentation from the contractor or from subcontractors at any time during the term of the contract. The contractor shall comply with or arrange for compliance with all such requests promptly.

(d) All contracts entered into by the City of Danbury for the construction, alteration or repair of any public building or public work shall contain the following provisions concerning treatment of employees.

- (1) The contractor and all lower tiered subcontractors performing work under the contract shall properly classify workers as employees rather than as independent contractors and treat them accordingly for purposes of workers' compensation, insurance coverage, unemployment taxes, social security and income tax withholding.
- (2) The contractor and all lower tiered subcontractors must furnish, at their expense, hospitalization and medical benefits and coverage for all of their employees employed on the work under the contract.
- (3) For purposes of this subsection, any person who meets nine (9) or more of the following criteria shall be considered an employee:
 - a. The person is required to comply with company instructions about when, where, and how work is done;
 - b. The person has been trained by the company;
 - c. The person is integrated into the company's general business operations;
 - d. The person must render services personally;
 - e. The person uses assistants provided by the company;
 - f. The person has a continuing relationship with the company;
 - g. The person is required to work a set number of hours;
 - h. The person must devote substantially full time work to the company;
 - i. The person works at the company's premises or job site;
 - j. The person must perform work in a preset sequence;
 - k. The person must submit regular progress reports;
 - l. The person is paid by the hour, week, or month; payroll deductions include federal and/or state income taxes, FICA insurance;
 - m. The person is reimbursed for all business and travel expenses;
 - n. The person uses company tools and materials;
 - o. The person has no significant investment in the facilities that are used;
 - p. The person has no risk of loss;
 - q. The person works for only one (1) company;
 - r. The person does not offer services to the public;
 - s. The person can be discharged by the company;
 - t. The person can terminate the relationship without incurring liability.
- (4) The contractor and all lower tiered subcontractors performing work under the contract and utilizing the services of mechanics, laborers or workmen who are not classified as employees under this subsection shall provide written notice to said mechanics, laborers and workmen of their status as independent contractors. Said notice shall include a provision advising the mechanics, laborers and workmen that they are not eligible for workers'

compensation, health insurance, or unemployment compensation from the contractor or subcontractor.

(e) The contractor shall incorporate the requirements of this section in each subcontract and require that each subcontractor incorporate the requirements of this section in all subsequent subcontracts such that all lower tiered subcontractors performing work under the contract shall be bound by the terms hereof.

(f) If after review the City determines that the contractor or any lower tiered subcontractor has failed to comply with this section, in addition to any other remedy available to it, the City may require corrective action to be taken by the contractor or it may terminate the contract. (Code 1961, § 2-149; Ord. No. 425, 9-4-1991; Ord. No. 454, 2-2-1993; Ord. No. 545, 5-2-2000)

Sec. 2-208. Insurance contracts.

Insurance contracts shall be purchased after consideration of informal proposals from at least three (3) prospective insurers; provided, that prospective insurers are given an opportunity to submit their qualifications and estimates of cost to render the desired service. A Board of Review composed of the risk manager, the Director of Finance, Corporation Counsel and the Mayor, or their respective designees, shall, by majority vote, make all decisions regarding the proposals. In the event that the City seeks to purchase insurance contracts insuring the interests of the Danbury Board of Education, the Board of Review for such purposes shall include the Superintendent of Schools, or his designee. Such Board of Review may waive the requirement of obtaining at least three (3) informal proposals where necessary due to unavailability or impracticability. Nothing herein shall be construed to prevent the Danbury Board of Education from acquiring insurance without regard to the provisions of this section if deemed by the board to be in the best interests of the Danbury School District. (Code 1961, § 2-150; Ord. No. 425, 9-4-1991)

Sec. 2-209. Emergencies; sole-source purchases.

(a) Whenever an emergency exists by reason of extraordinary conditions or contingencies that could not reasonably be foreseen or because of

unusual trade or market conditions, the Purchasing Agent may, with the approval of the Director of Finance or the Corporation Counsel, if it is deemed in the best interest of the City, waive the requirement that purchases be based on the competitive bids as provided in the foregoing sections hereof. A statement of all such purchases made under the provisions of this section shall be set forth by the Purchasing Agent and distributed to the department involved in the acquisition, the Director of Finance and the Corporation Counsel.

(b) Requisition for items or services deemed a sole source must be accompanied by a memo or letter of explanation, signed by the department head, explaining the reasons for dealing with one (1) vendor only. Subject to the dollar limitations set forth in section 2-206, the purchasing agent or the board of awards shall decide on the merits of the sole-source purchase being considered.

(Code 1961, § 2-151; Ord. No. 425, 9-4-1991)

Sec. 2-210. Determining award; contract limited to the lowest responsible bidder; delinquency in the payment of taxes.

(a) Subject to the provisions contained in this division, any contracts for the purchase of materials or supplies shall be awarded to the lowest responsible bidder. Any person or organization is deemed not to be a responsible bidder if the bidder:

- (1) Is not an equal opportunity employer;
- (2) Has been found by a court or administrative body of competent jurisdiction to be in violation of the National Labor Relations Act or State of Connecticut Department of Labor provisions concerning wage rates or local preference and relevant derivative regulations and that such violation continues to exist;
- (3) Is in arrears to the City upon debt or contract or is in default as surety or otherwise upon any obligation to the City, including the payment of real or personal property taxes or sewer/water charges and other obligations.

The payment of any such obligation as hereinbefore referenced is to be construed as a condition to the receipt of any award of any contract for the performance of any work or the furnishing of any services or materials or equipment. The purchasing agent may require, prior to commencement of services or provision of materials or equipment, a written certification in a form acceptable to such agent indicating that any such obligations due and owing to the City have been fully paid.

(b) The purchasing agent shall have the power to reject any or all bids for one (1) or more commodities or contractual services when the public interest is served thereby, subject to the prior approval of the Director of Finance or the office of the Corporation Counsel.

(c) Whenever any contract is not awarded to the lowest bidder, a full and complete statement of the reason(s) for placing the order elsewhere shall be prepared by the purchasing agent and filed in his records with the other documents pertaining to the award. Any award other than to the low bidder shall only be made upon the prior approval of the board of awards.

(d) No transaction which is essentially a unit shall be divided for the purpose of evading the intent of this article.

(Code 1961, § 2-152; Ord. No. 425, 9-4-1991)

Sec. 2-211. Disposal of surplus property.

(a) Personal property.

- (1) In the event any material, equipment, furnishing or other personal property is no longer needed by any agency of the City, it shall be transferred to the custody of the purchasing agent. If the purchasing agent shall determine that no other agency has need for such item, he shall declare it surplus. Any such item or group of related items of one hundred dollars (\$100.00) or less in value may be sold by the purchasing agent. If the value of any such item or group of items exceeds one hundred dollars (\$100.00) but does not exceed twenty-five hundred dollars (\$2,500.00), it, or they, may be sold by the purchasing agent with the

approval of the Mayor, and in all other cases upon prior approval of the City Council.

- (2) Subsection (a)(1) of this section shall not apply to the trade-in of materials where the trade-in is to be considered in the offset of the price for materials, commodities or services sought to be purchased.

(b) *Real property.* Whenever the City Council shall declare any real estate or public improvement surplus property, then in that event, unless the City Council shall determine that another means of disposal best serves the interests of the City of Danbury, said surplus property shall be disposed of as follows:

- (1) Publication of notice of sale and solicitation of offers to purchase shall be made and solicited by the purchasing agent.
- (2) Publication shall contain a detailed description of the property and said notice shall set forth the terms and conditions of the sale, including but not limited to the deposit payment necessary to accompany a bid or offer to purchase. The notice shall also contain the place, day and time when the sale will be held.
- (3) The purchasing agent shall have the right to reject any and all bids submitted.
- (4) The sale shall be approved by the board of awards established pursuant to this article. The purchasing agent and the board of awards may waive any irregularities or informalities in any bids submitted.

(Code 1961, §§ 2-133, 2-153; Ord. No. 43, § 4, 10-27-1965; Ord. No. 297, 5-3-1983; Ord. No. 425, 9-4-1991)

State law reference—Public hearing on sale, lease or transfer of real property owned by municipality, C.G.S. § 7-163e.

Secs. 2-212—2-230. Reserved.

ARTICLE VII. BOARDS AND COMMISSIONS AND AUTHORITIES

DIVISION 1. GENERALLY

Sec. 2-231. Attendance of members.

(a) *Provisions not applicable to certain boards.* This section shall not apply to the City Council, Board of Education, Zoning Commission, Zoning Board of Appeals and Planning Commission.

(b) *Records required.* The Chairperson or his designee of every board or commission empowered by the City of Danbury acting through the City Council shall cause an attendance record of each and every meeting of such commission or board to be completed. Such attendance record shall indicate commission or board members present and absent, and shall be filed with the Town Clerk for public inspection.

(c) *Excessive absence, procedure for replacement therefor.*

- (1) The Chairperson or his designee of every board or commission empowered by the City of Danbury shall, by writing, notify the Mayor of any commission member who has missed three (3) consecutive meetings or one-third ($\frac{1}{3}$) of all meetings within a calendar year without excuse.
- (2) The Mayor, after receipt of notification of absence as set forth in subsection (c)(1) of this section, may deem the commission member to have resigned and fill the vacancy according to law, and notify the respective board or commission member by certified mail, return receipt requested.
- (3) A commission member may appeal any decision made by the Mayor under subsection (c)(2) of this section by informing the Mayor and the respective board or commission Chairperson of his objection to the decision within fifteen (15) days of the Mayor's determination that the individual has resigned. The Board of Appeals for an objection filed under this subsection shall consist of the President

of the City Council, the Corporation Counsel, and the respective board or commission Chairperson.

(Code 1961, § 2-37; Ord. No. 258, §§ 1, 2, 10-7-1980)

Sec. 2-232. Terms of office of members of boards, commissions and agencies; continuity of office.

Except when otherwise provided, members of all boards, agencies and commissions of the City established pursuant to the provisions of this Code shall:

- (1) Serve for staggered terms so that to the extent possible, the terms of an equal number of members shall expire each year; and
- (2) Serve until their successors have been appointed and qualified.

Secs. 2-233—2-257. Reserved.

DIVISION 2. PERFORMANCE REVIEWS AND AUDITS; TERMINATION

Sec. 2-258. Findings of fact.

It is hereby found that there has been a proliferation of governmental entities and that this proliferation has occurred without sufficient legislative oversight or regulatory accountability. It is further found that there is a need for periodic comprehensive review and evaluation of certain entities and for the termination or modification of those which do not significantly benefit the public health, safety or welfare. (Code 1961, § 2-175; Ord. No. 288, 12-7-1982)

Sec. 2-259. Schedule of termination of government entities.

(a) The following governmental entities are terminated, effective June 30, 2019, unless reestablished in accordance with section 2-184:

- (1) The City of Danbury Cultural Commission.
- (2) The Commission on Aging.

- (3) The Parking Authority of the City of Danbury.
- (4) The Danbury Housing Partnership.
- (5) The Lake Kenosia Commission.

(b) The following governmental entities are terminated, effective June 30, 2020, unless reestablished in accordance with section 2-184:

- (1) The Flood and Erosion Control Board of the City of Danbury.
- (2) The Tarrywile Park Authority.
- (3) The Youth Commission.
- (4) The Danbury Parks and Recreation Commission.
- (5) The Aviation Commission.

(c) The following governmental entities are terminated, effective June 30, 2021, unless reestablished in accordance with section 2-184:

- (1) The Commission for Persons with Disabilities.
- (2) The Danbury Aquifer Protection Agency.
- (3) The Fair Rent Commission.
- (4) The Board of Ethics.
- (5) The Charles Ives Authority for the Performing Arts.

(d) The following governmental entities are terminated, effective June 30, 2022, unless reestablished in accordance with section 2-184:

- (1) The Stanley Lasker Richter Memorial Park Authority.
 - (2) The Conservation Commission.
 - (3) The Environmental Impact Commission.
 - (4) The Danbury Museum and Historical Society Authority.
 - (5) The Danbury Main Street Partnership.
 - (6) The Still River Alliance Commission.
- (Code 1961, § 2-176; Ord. No. 288, 12-7-1982; Ord. No. 349, 7-7-1987; Ord. No. 445, 7-7-1992; Ord. No. 479, 9-8-1993; Ord. No. 505, 7-5-1995; Ord. No. 517, 7-2-1996; Ord. No. 528, 10-7-1997; Ord. No. 531, 6-2-1998; Ord. No. 539, 8-3-1999; Ord. No. 551, 12-5-2000; Ord. No. 561, 8-7-2001;

Ord. No. 578, 8-6-2002; Ord. No. 602, 10-7-2003; Ord. No. 629, 10-5-2004; Ord. No. 673, 4-1-2008; Ord. No. 683, 7-1-2008; Ord. No. 697, 3-3-2009; Ord. No. 699, § 2-176, 3-2-2010; Ord. No. 706, 3-1-2011; Ord. No. 712, 3-6-2012; Ord. No. 1, 5-7-2013; Ord. No. 9, 5-6-2014; Ord. No. 17, 5-5-2015; Ord. No. 26, 6-7-2016; Ord. No. 33, 5-2-2017; Ord. No. 39, 5-1-2018)

Sec. 2-260. Governmental entity review and investigation committee—Established.

On or before December 15 of each year a governmental entity review and investigation committee shall be established, in accordance with this section, to review and investigate all governmental entities scheduled for termination as of the following June 30, in accordance with section 2-259. The governmental entity review and investigation committee shall consist of two (2) residents of the City of Danbury who shall hold no other office within the Danbury municipal government and three (3) members of the City Council. All members of the governmental entity review and investigation committee shall be appointed by the Mayor. The appointment of all committee members who are not councilmembers shall be confirmed by the City Council. Any such committee so established shall be terminated following the acceptance by the City Council of all committee reports required pursuant to section 2-262.

(Code 1961, § 2-177; Ord. No. 288, 12-7-1982)

Sec. 2-261. Same—Performance audit.

Each governmental entity review and investigation committee, established pursuant to the provisions of section 2-260, shall conduct a performance audit of each governmental entity scheduled review and investigation committee shall complete each performance audit by March 15 of the year in which the governmental entity is scheduled for termination under section 2-259. In conducting each audit, the committee shall take into consideration, but not be limited to, considering, the factors set forth in section 2-265. The entities enumerated in section 2-259 shall cooperate with the governmental review and investigation committee in carrying out the purposes of this

division, inclusive, and shall provide such information, books, records, documents and testimony as said committee may require to conduct its performance audit. At the request of the committee each governmental entity scheduled for termination pursuant to section 2-259 shall provide an analysis of its activities which specifically addresses the factors enumerated in section 2-265. Each governmental entity review and investigation committee may hold such public hearings as it deems necessary and proper and may receive testimony from the public and from any other interested parties.

(Code 1961, § 2-178; Ord. No. 288, 12-7-1982)

Sec. 2-262. Same—Reports.

Each governmental entity review and investigation committee shall submit to the City Council a written report on each governmental entity by April 15 in the year in which such entity is scheduled for termination. Such report shall specifically address the factors set forth in section 2-265 and shall include recommendations regarding the termination, re-establishment, modification or consolidation of such entity.

(Code 1961, § 2-179; Ord. No. 288, 12-7-1982)

Sec. 2-263. Public hearings concerning termination, modification, consolidation or re-establishment of governmental entities.

Prior to the termination, modification, consolidation or re-establishment of any governmental entity, the City Council shall hold a public hearing concerning the proposed termination, modification, consolidation or re-establishment of any such governmental entity.

(Code 1961, § 2-180; Ord. No. 288, 12-7-1982)

Sec. 2-264. Burden of demonstrating public need; report, required information.

(a) Each governmental entity enumerated in section 2-259 shall have the burden of demonstrating a public need for its re-establishment.

(b) The Chairperson of the governmental entity under review and investigation shall provide the committee with a report containing the following information:

- (1) A statement of the powers, duties and functions of the governmental entity and the authority under which it operates;
- (2) A statement of the number and type of persons served by the governmental entity and a summary of its performance and accomplishments;
- (3) A statement of the budgetary costs incurred by, the number and cost of personnel employed by, and the sources of funding of the governmental entity during the last completed fiscal year;
- (4) A summary of the budget and program of the governmental entity for the current fiscal year and its budget projections for the next succeeding year, if it were to continue in existence;
- (5) A statement of any powers, duties or functions being duplicated by another entity together with any recommendations for the elimination of any such duplication of effort;
- (6) Any analysis of the services to be provided and programs to be pursued if a governmental entity continues in existence;
- (7) Any other information or documentation that the committee may require to carry out its duties hereunder.

(Code 1961, § 2-181; Ord. No. 288, 12-7-1982)

Sec. 2-265. Factors in determining public need for continued existence of governmental entity.

In determining whether there is a public need for the continued existence of any governmental entity, the governmental entity review and investigation committee and the City Council shall consider, among other things:

- (1) Whether termination of the entity would significantly endanger the public health, safety or welfare;

- (2) The goals and objectives of the governmental entity and the problem or need it was created to address;
 - (3) The degree to which the original objectives of the governmental entity have been achieved and the extent to which its operation has been responsive to the public needs;
 - (4) The performance of and accomplishments of the governmental entity in the last fiscal year and its expenses during that period;
 - (5) Whether the public could be adequately protected by another entity, or by a less restrictive method of regulation;
 - (6) Whether the governmental entity produces any direct or indirect increase in the cost of goods or services, and if it does, whether the public benefits attributable to the entity outweigh the public burden of the increase in cost;
 - (7) Whether the effective operation of the governmental entity is impeded by existing ordinances, regulations or policies, including budgetary and personnel policies;
 - (8) The extent to which the governmental entity involved has recommended statutory or ordinance changes which would benefit the public as opposed to the persons regulated;
 - (9) The extent to which the governmental entity involved has encouraged public participation in the formulation of its rules, regulations or policies;
 - (10) The manner in which the governmental entity involved has processed and resolved public complaints concerning persons subject to its regulation;
 - (11) Any other relevant criteria that the committee determines to be appropriate.
- (Code 1961, § 2-182; Ord. No. 288, 12-7-1982)

Sec. 2-266. Termination of governmental entity.

Upon termination, each governmental entity listed in section 2-259 shall continue in existence

for one (1) year for the purpose of concluding its affairs. During the one-year period, termination shall not reduce the powers or authority of the entity. Upon the expiration of the one-year period, the entity shall cease all activity, all regulations promulgated by the entity shall cease to exist, and all unexpended balances or appropriations or other funds shall revert to the general fund of the City of Danbury.

(Code 1961, § 2-183; Ord. No. 288, 12-7-1982)

Sec. 2-267. Re-establishment of governmental entity.

Any governmental entity scheduled for termination under section 2-259 may be re-established by the City Council for periods not to exceed five (5) years, at the end of which the entity shall again be subject to review under the provisions of this division. Any such re-establishment may provide for the consolidation of governmental entities or for the transfer of governmental functions from one (1) entity to another.

(Code 1961, § 2-184; Ord. No. 288, 12-7-1982)

Sec. 2-268. Claims, rights or causes of action not affected by termination.

Termination of a governmental entity or program shall not affect any claim, right or cause of action by or against the entity involved.

(Code 1961, § 2-185; Ord. No. 288, 12-7-1982)

Sec. 2-269. Termination by council.

Nothing in this section or in sections 2-258 to 2-268, inclusive, shall prohibit the City Council from terminating a governmental entity prior to the termination date established in section 2-259, nor from considering any other legislation concerning any such entity.

(Code 1961, § 2-186; Ord. No. 288, 12-7-1982)

Secs. 2-270—2-286. Reserved.

DIVISION 3. REDEVELOPMENT AGENCY*

Sec. 2-287. Created; functions.

Pursuant to C.G.S. § 8-126, the City hereby creates an agency to be known as the Redevelop-

*State law reference—Redevelopment agencies, C.G.S. § 8-124 et seq.

ment Agency of the City of Danbury. The Agency shall have all the powers and perform all the duties which are by law granted to or imposed upon a Redevelopment Agency.
(Code 1961, § 2-46(a); Ord. of 6-13-1956, § 1; Ord. No. 121, 11-7-1967)

Sec. 2-288. Members.

The Redevelopment Agency shall consist of nine (9) members to be appointed by the Mayor with the approval of the City Council. The term of office of each such member shall be five (5) years ending on January 1. Vacancies shall be filled in accordance with the provisions of C.G.S. § 8-126.

(Code 1961, § 2-46(b); Ord. of 6-13-1956, §§ 1—3; Ord. No. 121, 11-7-1967)

State law reference—Redevelopment agency membership, C.G.S. § 8-126.

Secs. 2-289—2-309. Reserved.

DIVISION 4. FLOOD AND EROSION BOARD*

Sec. 2-310. Created; duties, powers.

The City of Danbury hereby adopts the provisions of C.G.S. §§ 25-85 through 25-94 and hereby creates a board to be known as the Flood and Erosion Control Board of the City of Danbury. The Board shall have all the powers and perform all the duties which are by law granted to or imposed upon a Flood and Erosion Control Board.

(Code 1961, § 2-38(a); Ord. of 6-13-1956, §§ 1—3; Ord. No. 121, 11-7-1967; Ord. No. 297, 5-3-1983; Ord. No. 307, 6-5-1984)

Sec. 2-311. Membership.

The City Council shall act as the Flood and Erosion Control Board in accordance with the

***State law reference**—Municipal flood and erosion control boards, C.G.S. § 25-84 et seq.

provisions of C.G.S. § 25-84. The Mayor and the City Engineer shall be ex officio members of said Board.

(Code 1961, § 2-38(b); Ord. of 6-13-1956, §§ 1—3; Ord. No. 121, 11-7-1967; Ord. No. 297, 5-3-1983; Ord. No. 307, 6-5-1984)

Secs. 2-312—2-340. Reserved.

DIVISION 5. WESTERN CONNECTICUT COUNCIL OF GOVERNMENTS†

Sec. 2-341. Statement of purpose.

The City has heretofore been a designated member municipality of the Housatonic Valley Planning Region, and is a member of the Housatonic Valley Council of Elected Officials ("HVCEO"), a regional council of elected officials and regional planning agency serving the Housatonic Valley Planning Region. Pursuant to C.G.S. § 16a-4c(b) (as amended by Public Act 13-247, § 249), the member municipalities of HVCEO and of the South Western Regional Planning Agency ("SWRPA") have agreed to consolidate the Housatonic Valley Planning Region and the South Western Planning Region into a single planning region. On or about December 6, 2013, the Office of Policy and Management of the State of Connecticut ("OPM") redesignated the Housatonic Valley Planning Region and the South Western Planning Region as the Western Connecticut Planning Region. Pursuant to Public Act 13-247, § 250, each regional planning agency and regional council of elected officials within a planning region must restructure as a single regional council of governments on or before January 1, 2015. HVCEO and SWRPA have determined to restructure themselves as the Western Connecticut Council of Governments. The City desires to join the Western Connecticut Council of Governments by and through approval of this ordinance.

(Ord. No. 15, § 2-6, 12-2-2014)

Sec. 2-342. Creation of regional council of governments.

(a) The City hereby joins with other adopting municipalities of the Western Connecticut Planning Region to create a regional council of govern-

†State law reference—Regional councils of elected officials, C.G.S. § 4-124c et seq.

ments to be known as the Western Connecticut Council of Governments, by adopting the provisions of C.G.S. §§ 4-124i—4-124p, as amended by Public Act 13-247, and further amended by Public Act 14-217, §§ 228 and 256.

(b) Certification by the Secretary of OPM; transitional executive committee and transitional period.

- (1) Upon certification by the Secretary of OPM that at least sixty (60) percent of the municipalities in the Western Connecticut Planning Region have adopted ordinances creating a regional council of governments, as required by the Connecticut General Statutes, the Western Connecticut Council of Governments shall be established.
- (2) Upon such certification, a transitional period (hereafter the "transitional period") shall commence, and shall conclude no later than January 1, 2015. During such period the Mayor shall participate as a member of the transitional executive committee, as defined and for the purposes set forth in C.G.S. § 4-124l(b), as amended by Public Act 14-217, §§ 228 and 256. The City Council may appoint, in the manner provided by ordinance, an elected official to serve as an alternate member of the transitional executive committee in the absence of the Mayor. The Mayor also may send a representative in his or her stead; however, such representative shall not be a member of the transitional executive committee.
- (3) Except as provided in section 2-343, at the conclusion of the transitional period, the transitional executive committee shall cease to exist, and the Western Connecticut Council of Governments shall succeed to and be responsible for all of the rights, privileges and obligations of HVCEO and SWRPA, whether statutory or contractual, relating to such active programs as may be recommended by the transitional executive committee and adopted by the Western Connecticut Council of Governments following

appropriate due diligence and good faith negotiations during the transitional period.

- (4) Membership in the Western Connecticut Council of Governments. At the conclusion of the transitional period, the City shall be a member of the Western Connecticut Council of Governments.
- (5) Powers and duties of the Western Connecticut Council of Governments. Except as provided in section 2-343, the Western Connecticut Council of Governments shall have such powers, purposes, rights, duties and responsibilities of regional councils of governments as are set forth in the Connecticut General Statutes, currently and as amended.
- (6) Representative to the Western Connecticut Council of Governments. The Mayor shall be the representative of the City to the Western Connecticut Council of Governments, and shall have all the powers and authority and be subject to all obligations and restrictions as are set forth in the Connecticut General Statutes, currently and as amended, regarding regional councils of governments. The Mayor may appoint, subject to the approval of the City Council, an elected official for the City to serve as an alternate representative in the absence of the Mayor. The Mayor may send the alternate to meetings in his or her stead; and the alternate in that instance shall be entitled to the same rights and privileges as the Mayor. The City shall notify the Western Connecticut Council of Governments in writing of the appointment of an alternate under this section. The City shall be entitled to one vote in the affairs of the Western Connecticut Council of Governments.

(Ord. No. 15, § 2-7, 12-2-2014)

Sec. 2-343. HVCEO's continued existence during transitional period.

The City shall remain a member of HVCEO as it continues to operate and wind down as a

regional council of elected officials and regional planning agency until the end of the transitional period. After the transitional period ends, the City also may create, together with the other former HVCEO member municipalities, an unincorporated association to assume and administer all rights, privileges and obligations of HVCEO that the transitional executive committee, in its sole discretion, deems unacceptable for assumption by the Western Connecticut Council of Governments. The Mayor shall be the City's representative to such association. (Ord. No. 15, § 2-8, 12-2-2014)

Sec. 2-344. Withdrawal from HVCEO.

Pursuant to C.G.S. § 8-36a, the City hereby withdraws as a member of HVCEO, effective as of the expiration of the transitional period. (Ord. No. 15, § 2-9, 12-2-2014)

Secs. 2-345—2-370. Reserved.

DIVISION 6. PARKING AUTHORITY*

Sec. 2-371. Residency requirement.

No person shall be appointed to or reappointed to the Parking Authority unless he is a resident of the City of Danbury.

Sec. 2-372. Powers.

(a) Pursuant to the provisions of C.G.S. § 7-207a, the Parking Authority of the City of Danbury is hereby granted the power to collect all revenues from existing on-street parking meters. Said revenues shall be used by the authority to maintain said meters and in such other manner as C.G.S. § 7-207a provides and permits.

(b) Nothing herein shall be construed to provide or grant permission or power to the authority to in any way alter, add to or change the present number or location of on-street parking meters without the approval of the Traffic Authority of the City of Danbury. (Code 1961, § 2-51.1; Ord. No. 244, 7-3-1979)

*State law references—Municipal parking authorities, Special Law 1957, Act No. 557; Special Act No. 84-6; C.G.S. § 7-202 et seq.

Secs. 2-373—2-402. Reserved.

DIVISION 7. ECONOMIC DEVELOPMENT COMMISSION†

Sec. 2-403. Created.

There shall be an Economic Development Commission, established in accordance with C.G.S. § 7-136, for the promotion and development of the economic resources of the City. (Code 1961, § 2-56(A); Ord. No. 44, 10-27-1965; Ord. No. 100, 4-18-1967; Ord. No. 121, 11-7-1967; Ord. No. 297, 5-3-1983)

Sec. 2-404. Members.

(a) *Composition.* The Commission shall be composed of:

- (1) Eight (8) members appointed by the Mayor and confirmed by the City Council.
- (2) The Mayor, Director of Economic Development, City Treasurer and Chairperson of the Planning Commission shall be ex officio members of said Commission, but shall have no vote.

(b) *Terms of office.* Members shall be appointed for terms of five (5) years.

(c) *Compensation; appropriations.* The members of the commission shall serve without pay, but the City Council of the City may annually appropriate a sum not exceeding one-twentieth ($\frac{1}{20}$) of one (1) percent of the last completed grand list of taxable property for such expenses as the commission may incur and for the purpose of reimbursing the members of the commission for any necessary expenses which they may incur, in connection with their duties.

(d) *Removal.* Any member can be removed by the Mayor for cause shown, but on the request of a member who is to be removed, there shall be a public hearing presided over by the President of the City Council.

†State law reference—Municipal economic development commissions, C.G.S. § 7-136.

(e) *Residence requirement.* No person shall be appointed to or reappointed to this Commission unless he is a resident of the City of Danbury. (Code 1961, § 2-56(C)—(H); Ord. No. 44, 10-27-1965; Ord. No. 100, 4-18-1967; Ord. No. 121, 11-7-1967; Ord. No. 297, 5-3-1983)

Sec. 2-405. Functions.

The Economic Development Commission of the City of Danbury, created pursuant to C.G.S. § 7-136 is hereby authorized and directed to carry out the powers conferred upon Economic Development Commissions by C.G.S. § 7-136 and by any and all laws amendatory thereof and supplementary thereto. (Code 1961, § 2-56(B); Ord. No. 44, 10-27-1965; Ord. No. 100, 4-18-1967; Ord. No. 121, 11-7-1967; Ord. No. 297, 5-3-1983)

Secs. 2-406—2-423. Reserved.

DIVISION 8. HOUSING SITE DEVELOPMENT AGENCY*

Sec. 2-424. Created.

There is hereby created a Housing Site Development Agency. (Code 1961, § 2-56.5(a); Ord. No. 132, § 1, 7-16-1968)

Sec. 2-425. Members.

The Housing Site Development Agency shall be composed of five (5) members appointed by the Mayor, subject to the approval of the City Council, each of whom shall be a legal resident of the City of Danbury. Members shall serve for two-year terms, and shall be so selected as to be broadly representative of the physical, social, and economic activities of the City. (Code 1961, § 2-56.5(b); Ord. No. 132, § 2, 7-16-1968)

***State law reference**—Housing site development agencies, C.G.S. §§ 5-169b(c), 8-169d, 8-169i, 8-213a, 8-216b.

Sec. 2-426. Officers; bylaws.

The Housing Site Development Agency may elect, from among its members a Chairperson, a Vice-Chairperson and a Secretary and may adopt bylaws to govern its actions. (Code 1961, § 2-56.5(c); Ord. No. 132, § 3, 7-16-1968)

Sec. 2-427. Housing site development plan.

(a) *Authorized.* The Housing Site Development Agency, pursuant to C.G.S. § 8-216b, may prepare a housing site development plan for the purpose of undertaking a housing site development project in an area or areas consisting of open, predominantly open or undeveloped land.

(b) *City departments to assist in plan preparation.* For said purposes, the Agency may call upon the various departments of the City to assist it in the preparation of said plan, wherever the nature of said department's services would be helpful.

(c) *Submission to City Council.* Upon approval of said housing site development plan by the said Agency, it shall submit the same to the City Council.

(d) *Acquisition of financial assistance.* For said purposes, and subject to the approval of the Mayor and the City Council, the Agency may make such contracts and commitments and may undertake such obligations as are necessary to acquire the financial assistance of the State of Connecticut, which is available under the provisions of C.G.S. § 8-216b. (Code 1961, § 2-56.5(d)—(g); Ord. No. 132, §§ 4—7, 7-16-1968)

Secs. 2-428—2-452. Reserved.

DIVISION 9. CULTURAL COMMISSION

Sec. 2-453. Created.

There is hereby created the City of Danbury Cultural Commission. (Code 1961, § 2-56.4(a); Ord. No. 123, § 1, 12-5-1967; Ord. No. 236, 9-5-1978)

Sec. 2-454. Members.

The Cultural Commission shall consist of eleven (11) regular members who shall be chosen from legal residents of the City for their knowledge, competence or experience in connection with the performing and visual arts by the Mayor subject to the approval of the City Council. The terms of office for said members shall be three (3) years.

(Code 1961, § 2-56.4(c), (d); Ord. No. 123, §§ 3, 4, 12-5-1967; Ord. No. 236, 9-5-1978)

Sec. 2-455. Functions.

(a) *Purpose; duties.* The Cultural Commission shall encourage within the City of Danbury, participation in, and promotion, development, acceptance and appreciation of, artistic and cultural activities which include, but are not limited to music, theatre, dance, painting, sculpture, architecture, literature, films and allied arts and crafts, and to this end may join with private patrons and with institutions and professional organizations.

(b) *Receipt and disbursement of funds.* The Cultural Commission shall be authorized to receive and disburse local, state and federal funds and private monies for purposes within the jurisdiction and authority of the commission in accordance with standard municipal fiscal procedures.

(Code 1961, § 2-56.4(b), (e); Ord. No. 123, §§ 2, 5, 12-5-1967; Ord. No. 236, 9-5-1978)

Secs. 2-456—2-478. Reserved.

DIVISION 10. YOUTH COMMISSION

Sec. 2-479. Created.

There shall be, and there is hereby established a Youth Commission in the City of Danbury.

Code 1961, § 2-56.10(a); Ord. No. 154, 1-5-1971; Ord. No. 194, § 1, 2-5-1974; Ord. No. 195, §§ 1—3, 3-5-1974; Ord. No. 324, 4-1-1986; Ord. No. 492, 11-29-1994)

Sec. 2-480. Members.

(a) *Generally.* The Youth Commission shall be composed of nine (9) members, appointed by the Mayor, subject to confirmation by the City Council. Each member shall be a legal resident and elector of the City of Danbury. The terms of office for each member shall be for three (3) years or until his successor shall qualify.

(b) *Youth advisors.* There shall be a group of nine (9) youth advisors who shall actively participate in the affairs of the Youth Commission, all of whom shall be residents of Danbury and who shall be broadly representative of the youth of the community. One such youth advisor shall be elected by the group to serve as a voting member of the Youth Commission. All other youth advisors shall be members of the Youth Commission, ex officio. Youth advisors shall serve at the pleasure of the Mayor.

(c) *Compensation and expenses.* Members shall serve without compensation, but may be reimbursed for any expenses incurred in the service of their duties. The City Council may make appropriations to fund the expenses and programs of the Commission.

(Code 1961, § 2-56.10(c), (d), (f); Ord. No. 154, 1-5-1971; Ord. No. 194, § 1, 2-5-1974; Ord. No. 195, §§ 1—3, 3-5-1974; Ord. No. 324, 4-1-1986; Ord. No. 492, 11-29-1994)

Sec. 2-481. Officers; bylaws.

The Youth Commission may elect from its members a Chairperson, Vice-Chairperson and a Secretary and adopt bylaws to govern its actions. Code 1961, § 2-56.10(e); Ord. No. 154, 1-5-1971; Ord. No. 194, § 1, 2-5-1974; Ord. No. 195, §§ 1—3, 3-5-1974; Ord. No. 324, 4-1-1986; Ord. No. 492, 11-29-1994)

Sec. 2-482. Functions.

(a) The Youth Commission shall study, continuously, the conditions and needs of the youth of this community. It may analyze the services provided for the youth by the community both public and private, and it shall make recommendations to the Mayor and the City Council of the City regarding the development and integration

of programs, be they by public and private agencies, and in cooperation with state and federal agencies.

(b) The Youth Commission may publicize information of consequence to youth and may hold forums, public hearings and meetings on topics concerning youth. It may also be called upon by other groups as a mediating body when needed in matters concerning youth. It may also seek the advice and cooperation of public and private groups in the promotion of youth programs. Code 1961, § 2-56.10(b); Ord. No. 154, 1-5-1971; Ord. No. 194, § 1, 2-5-1974; Ord. No. 195, §§ 1—3, 3-5-1974; Ord. No. 324, 4-1-1986; Ord. No. 492, 11-29-1994)

Secs. 2-483—2-502. Reserved.

DIVISION 11. AVIATION COMMISSION

Sec. 2-503. Established; membership.

There is hereby established by the City Council an Aviation Commission consisting of seven (7) members, each of whom shall be electors of the City and each of whom shall be appointed by the Mayor and confirmed by the City Council. (Code 1961, § 2-39; Ord. No. 184, § 2, 5-1-1973; Ord. No. 297, 5-3-1983; Ord. No. 450, 9-1-1992)

Sec. 2-504. Terms of office.

The terms of office for each of the members of the Aviation Commission shall be three (3) years. (Code 1961, § 2-41; Ord. No. 184, § 4, 5-1-1973)

Sec. 2-505. Powers and duties.

The Aviation Commission shall have all of the powers and duties established by the statutes of the State of Connecticut and the ordinances of the City of Danbury pertaining to airports and airport commissions. (Code 1961, § 2-40; Ord. No. 184, § 3, 5-1-1973)

State law reference—Municipal power to establish, maintain and operate airport, C.G.S. § 13b-43.

Secs. 2-506—2-533. Reserved.

DIVISION 12. COMMISSION ON AGING*

Sec. 2-534. Created.

There is established a Commission on Aging for the City of Danbury.

(Code 1961, § 2-56.1(a); Ord. No. 204, § 1, 9-3-1974; Ord. No. 279, 12-1-1981; Ord. No. 415, 4-2-1991)

Sec. 2-535. Members.

(a) *Composition.* The commission on aging shall consist of nine (9) members. All commission members shall be resident electors of the City of Danbury and shall be appointed by the Mayor and confirmed by the City Council.

(b) *Terms of office.* The terms of office for each member shall be for a period of three (3) years. Any vacancy in the membership of the commission which may occur through death, resignation, or otherwise may be filled for the unexpired portion of the term of such member by Mayoral appointment and City Council confirmation.

(c) *Alternate members.* There shall be three (3) alternate members to the Commission on Aging who shall be appointed by the Mayor and confirmed by the City Council.

- (1) The term of office of alternates shall be three (3) years ending on January 1.
- (2) Any vacancy in the office of an alternate which does not arise from the expiration of a term of office shall be filled by the Mayor for the unexpired portion of the term and confirmed by the City Council.
- (3) When duly acting in place of an absent member, such alternate members shall have all the powers and duties set forth in this section.

(d) *Compensation; expenses.* The members of the Commission shall serve without compensation but may be reimbursed for reasonable expenses incurred as part of their official duties. (Code 1961, § 2-56.1(c)—(f); Ord. No. 204, §§ 3—6, 9-3-1974; Ord. No. 279, 12-1-1981; Ord. No. 415, 4-2-1991)

***State law reference**—Municipal commissions on aging, C.G.S. § 7-127b.

Sec. 2-536. Powers and duties.

The Commission on Aging may organize itself in whatever manner it may determine in order to carry out to the fullest extent the duties set forth in this section, including the power to establish advisory committees on special subjects, to solicit and accept gifts and grants, and to act as the official agency of the City of Danbury on the aging.

(Code 1961, § 2-56.1(g); Ord. No. 204, § 7, 9-3-1974; Ord. No. 279, 12-1-1981; Ord. No. 415, 4-2-1991)

Sec. 2-537. Functions.

The purpose of the Commission on Aging is to study the needs of and coordinate programs for the aging in Danbury, particularly in relation to the fields of housing, economic, employment, health, recreational and other related matters. The Commission shall also analyze the services for the aged provided by the community, both by public and private agencies, and shall make recommendations to the Mayor and City Council regarding the development and integration of public and private agencies in cooperation with the State of Connecticut and other services to the extent possible. It shall stimulate public awareness of the problems and it shall propose new programs concerning the aging.

(Code 1961, § 2-56.1(b); Ord. No. 204, § 2, 9-3-1974; Ord. No. 279, 12-1-1981; Ord. No. 415, 4-2-1991)

Secs. 2-538—2-567. Reserved.

DIVISION 13. COMMISSION ON THE STATUS OF WOMEN

Sec. 2-568. Created.

There is hereby established a Commission for Women to be known as the Commission on the Status of Women.

(Code 1961, § 2-56.12(a); Ord. No. 280, 2-2-1982)

Sec. 2-569. Members.

(a) The Commission on the Status of Women shall be comprised of seven (7) members all of whom shall be resident electors appointed by the

Mayor and confirmed by the City Council. The composition of the commission shall reflect the broad spectrum of persons in the community whose rich experience crosses all social, economic and racial lines.

(b) Members shall serve for three-year terms. (Code 1961, § 2-56.12(c); Ord. No. 280, 2-2-1982)

Sec. 2-570. Purpose.

The purpose of the Commission on the Status of Women shall be to:

- (1) Study the conditions and needs of the women of this community. It shall make recommendations, develop policies and carry out such programs relative to the status of women as are approved by the City Council;
- (2) Publish information of consequence to women and to hold forums, public hearings and meetings as it considers necessary to gather information, inform the public of its activities, and encourage public participation on topics concerning women. It may be called upon by other groups as a mediating body when needed in matters concerning women. It may also seek the advice and cooperation of public and private groups in the promotion of programs for women.

(Code 1961, § 2-56.12(b); Ord. No. 280, 2-2-1982)

Sec. 2-571. Intergovernmental relations.

The Commission on the Status of Women shall have the cooperation of all departments in the City in the performance of its duties, and all departments shall supply the Commission with all information and reports requested in order that the goals of this Commission may be realized.

(Code 1961, § 2-56.12(d); Ord. No. 280, 2-2-1982)

Sec. 2-572. Funding; gifts; donations, etc.

(a) The Commission may, with the approval of the City Council, apply for federal, state, local or private funds for all or any of its purposes.

(b) The Commission may, with the approval of the City Council, accept on behalf of the City any gifts, donations, grants, bequests for assistance for all or any of its purposes.
(Code 1961, § 2-56.12(e); Ord. No. 280, 2-2-1982)

Secs. 2-573—2-592. Reserved.

DIVISION 14. COMMISSION FOR PERSONS WITH DISABILITIES

Sec. 2-593. Created.

There is hereby created and established a Commission to be known as the Danbury Commission for Persons with Disabilities.
(Code 1961, § 2-56.13(a); Ord. No. 291, 12-7-1982; Ord. No. 387, 4-3-1990; Ord. No. 518, 10-1-1996)

Sec. 2-594. Members.

(a) The Danbury Commission for Persons with Disabilities shall be composed of nine (9) members to be appointed by the Mayor and confirmed by the City Council. One-third ($\frac{1}{3}$) of the members of said Commission shall be persons with disabilities or parents of such persons. Agencies which serve residents or taxpayers of the City of Danbury having disabilities may be members of said Commission. The members so appointed shall be persons interested in the consideration and well-being of people with disabilities.

(b) All appointments or reappointments shall be for a term of three (3) years. All members shall be residents or taxpayers of the City. All members shall serve without compensation. Each member shall serve until his successor is duly appointed and qualified.

(c) Any vacancy in the membership of such Commission which may occur through death, resignation or otherwise, may be filled for the unexpired portion of the term of such member by Mayoral appointment and confirmation by the City Council.

(d) Three (3) alternate members to the Danbury Commission for Persons with Disabilities shall be appointed by the Mayor of the City and approved by the City Council for terms of three (3) years ending on January 1.

(1) Any vacancy in the office of an alternate which does not arise from the expiration of a term of office shall be filled by the Mayor for the unexpired portion of the term and approved by the City Council.

(2) Alternate members may attend meetings, participate in discussions and give suggestions, but will not engage in voting unless a regular member is absent.

(Code 1961, § 2-56.14; Ord. No. 291, 12-7-1982; Ord. No. 305, 3-6-1984; Ord. No. 327, 4-1-1986; Ord. No. 387, 4-3-1990)

Sec. 2-595. Functions.

(a) The Danbury Commission for Persons with Disabilities shall at its primary purpose advise the Mayor and the City Council of the needs of people with disabilities within the community with relation to housing, employment, transportation, economics, health, recreation and other relevant matters. The Commission shall, in addition, recommend to the Mayor and the City Council ways in which programs and services offered by the City of Danbury may be made more accessible to people with disabilities and in which obstacles hindering employment and enjoyment of programs and services may be eliminated.

(b) The Commission shall also serve as a Compliance Committee for the purposes of hearing grievances and complaints brought by persons pursuant to the Americans With Disabilities Act. The Committee shall hold hearings and render decisions regarding participation in and access to public facilities, services, activities and functions by persons with disabilities in accordance with such procedures and regulations as may be established pursuant to the Americans With Disabilities Act.

(Code 1961, § 2-56.13; Ord. No. 291, 12-7-1982; Ord. No. 387, 4-3-1990; Ord. No. 518, 10-1-1996)

Secs. 2-596—2-623. Reserved.

DIVISION 15. DANBURY MAIN STREET PARTNERSHIP

Sec. 2-624. Creation and purpose.

The Danbury Main Street Partnership ("partnership") is hereby created for the purpose of promoting the revitalization of the Downtown Revitalization Zone ("DRZ") as specified in the City of Danbury Zoning Regulations as the "Downtown Revitalization Overlay Zone." (Ord. No. 707, § 19C-1(a), 7-6-2011)

Sec. 2-625. Membership and officers.

(a) The partnership members shall include the Mayor, or his designee, and ten (10) additional members to be appointed by the Mayor from among the following categories, with consideration given to candidates with demonstrated experience, leadership, involvement and expertise in downtown business, development, planning and activities:

- (1) Representatives of the downtown business community, including, among others, retail sales and services, financial institutions, and professional services;
- (2) Downtown property owners and residents;
- (3) Design, cultural and historic preservation professionals;
- (4) The Downtown Special Services District;
- (5) The Greater Danbury Chamber of Commerce;
- (6) The City Department of Planning and Zoning; and,
- (7) The City Office of Economic Development.

(b) At its formation, and every two (2) years thereafter, the members of the partnership shall elect from its members a Chair, a Vice-chair and a Secretary, each of whom shall hold office until his successor has been elected. The Vice-Chair shall assume the duties of the Chair in case of his absence or inability to serve.

(c) Of the initial members appointed by the Mayor, four (4) shall be appointed to serve for a term of three (3) years, three (3) shall be appointed

to serve for a term of two (2) years, and three (3) shall be appointed to serve for a term of one (1) year. Thereafter, the appointment of all members shall be for a term of three (3) years. (Ord. No. 707, § 19C-1(b), (c), 7-6-2011)

Sec. 2-626. Conduct of meetings.

A quorum of the partnership shall consist of six (6) members. Robert's Rules of Order shall govern the conduct of the meetings and the business of the partnership, except as otherwise provided in the Danbury Code of Ordinances. The partnership may adopt by-laws to govern its actions. (Ord. No. 707, § 19C-1(d), 7-6-2011)

Sec. 2-627. Duties.

The duties of the partnership shall include the following measures to encourage, coordinate and monitor the revitalization of downtown Danbury within the DRZ in accordance with the vision, objectives and recommendations contained in the "Downtown Danbury: Issues and Recommendations 2010" report (the "report") adopted by the Main Street Renaissance Task Force on December 8, 2010, as may be amended from time to time by the partnership:

- (1) Prepare by January of each year an annual program of recommended public and private actions necessary to implement report recommendations;
- (2) Meet with downtown property owners and tenants to discuss development proposals;
- (3) Consult with public officials on proposed downtown plans, programs, regulations and public improvements for consistency with the report;
- (4) Monitor downtown progress, evolving conditions and needs;
- (5) Entertain and solicit public opinions, attitudes and concerns; and,
- (6) Provide leadership in all other ways to necessary to make the downtown vision contained in the report a reality.

(Ord. No. 707, § 19C-2, 7-6-2011)

Sec. 2-628. No conflict with federal or state statutes, rules or regulations.

In the event that any provision of this division is found by a court of competent jurisdiction to conflict with any federal or state statute, rule or regulation, the terms of the federal or state statute, rule or regulation shall control.

(Ord. No. 707, § 19C-3, 7-6-2011)

Sec. 2-629. Expenses.

No person shall have the right to expend any public funds of the City in carrying out any partnership activities authorized by this article without prior approval by the City Council, nor shall any person have any right to bind the City by contract, agreement or otherwise without prior and specific approval of the City Council or approval of the Board of Awards in accordance with the purchasing provisions in section 2-202 et seq.

(Ord. No. 707, § 19C-4, 7-6-2011)



Chapter 3

RESERVED



Chapter 4

ANIMALS*

Article I. In General

- Sec. 4-1. Animals running at large or unattended.
- Sec. 4-2. Removal of animal-litter.
- Secs. 4-3—4-22. Reserved.

Article II. Dogs

- Sec. 4-23. Dogs at large; public dog park; control on private property; fine.
- Sec. 4-24. Regulation of vicious dogs.

*State law references—General power of City relative to animals, C.G.S. § 7-148(c)(7)(D); cruelty to animals, C.G.S. § 53-247.



ARTICLE I. IN GENERAL

Sec. 4-1. Animals running at large or unattended.

Except in compliance with section 4-23, it shall be unlawful for any person to permit an animal to go or run at large in the City or to leave any animal unattended in any street or public place in the City without having securely fastened such animal.

(Code 1925, § 118; Code 1961, § 12-2; Ord. No. 449, 9-1-1992)

Sec. 4-2. Removal of animal-litter.

It shall be unlawful for any person owning, keeping, walking, or in control of, any dog or other animal to allow or permit such animal to defecate upon any property of the City, including, but not limited to, public streets or roads, sidewalks, parks, and school grounds, unless such person shall remove all feces so deposited by such animal before leaving the immediate premises. The provisions of this section shall not apply to a guide dog accompanying any blind person. Each violation of this section shall be punishable by a fine of fifty dollars (\$50.00) or such maximum fine as may be permitted by law. (Code 1961, § 12-4; Ord. No. 513, 4-2-1996)

Secs. 4-3—4-22. Reserved.

ARTICLE II. DOGS*

Sec. 4-23. Dogs at large; public dog park; control on private property; fine.

(a) No person owning, keeping or having custody of a dog shall allow such dog to be in or upon any street, park except for any public dog park designated by the City Council after considering the recommendation of the Director of Recreation, or other public place unless such dog is attached to a secure leash held continuously in the hands of a responsible person capable of controlling such dog or unless such dog is securely confined within a motor vehicle which is adequately ventilated.

*State law reference—Dogs, C.G.S. § 22-327 et seq.

(b) For purposes of this section, the term "dog park" means any designated public park, with a fence or enclosed area, in which dogs under the control of their owner or attendant are allowed to exercise, play and socialize off-lease.

(c) Any public dog park shall be operated in accordance with such rules and regulations as shall be adopted by the Director of Recreation, and any owner or attendant having control of any dog present at any public dog park shall comply with all such rules and regulations.

(d) No person owning, keeping or having custody of a dog shall allow such dog to leave the confines of the property of the owner, keeper or custodian. Such owner, keeper or custodian shall secure the dog by means of rope or other attachment, the placement or keeping of a fence or such other means of control as shall ensure the securing of the dog in accordance with the intent of this section.

(e) This section shall not apply to any dog while performing or being exhibited in a bench show or other exhibition, any dog while in the act of hunting or any dog used or kept for purposes of the public safety or any dog while present in any designated public dog park.

(f) Any violation of this section shall be punishable by the greater of a fine of fifty dollars (\$50.00) or that amount set forth by state law as the maximum fine for such violation.

(g) The dog warden of the city and his duly authorized agents, pursuant to the powers vested in him by the general statutes, shall issue any citation for a violation of this section, and shall promulgate all regulations necessary and proper in executing the provisions of these sections.

(Code 1925, § 121; Code 1961, § 12-3; Ord. of 5-16-1964; Ord. No. 449, 9-1-1992; Ord. No. 18, 5-5-2015)

Sec. 4-24. Regulation of vicious dogs.

(a) *Definitions.* As used in this section, the following words and terms shall have the following meaning, unless the context shall indicate another or different meaning or intent:

Enclosure means a fence or structure of at least six (6) feet in height and at least five (5) by

ten (10) feet, forming or causing an enclosure suitable to prevent the entry of young children and suitable to confine a vicious dog in conjunction with other measures which may be taken by the owner or keeper, such as tethering of the vicious dog. Such "enclosure" shall be securely enclosed and locked and designed with secure sides, top and bottom, shall be designed to prevent the dog from escaping from the enclosure and shall also provide protection from the elements for the dog.

Owner/keeper means any natural person or legal entity, including but not limited to a firm, corporation, organization, partnership or trust, possessing, harboring, having, keeping an interest in or having control or custody of the dog.

Vicious dog.

(1) The term "vicious dog" means any dog:

- a. With a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or domestic animals;
- b. Which, when unprovoked, approaches any person in a threatening fashion;
- c. Which bites, inflicts injury, assaults or otherwise attacks a human being or domestic animal without provocation on public or private property; or
- d. Owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting.

(2) Notwithstanding the definition of a "vicious dog" in subsection (1) of this definition:

- a. No dog may be declared vicious because of an injury or damage sustained by a person who, at the time such injury or damage was sustained, was committing a willful trespass or other tort upon premises occupied by the owner or keeper of the dog or was teasing, tormenting,

abusing, or provoking the dog or was committing or attempting to commit a crime.

- b. No dog may be declared vicious because of an injury or damage sustained by a domestic animal which, at the time such injury or damage was sustained, was provoking or attacking the dog. No dog may be declared vicious if the dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault.

(b) *Purpose.* It is hereby declared that:

- (1) Vicious dogs have become a threat to the safety and welfare of the citizens of our community.
- (2) Unprovoked attacks by vicious dogs upon persons and animals throughout the country have occurred at an increasing rate.
- (3) The owning, keeping or harboring of vicious dogs is a nuisance.

(c) *Requirement of proper enclosure.*

- (1) Any owner or keeper of any dog who knows or has reason to know that the dog has vicious propensities shall keep the dog in an enclosure.
- (2) Any owner or keeper of any dog who knows or has reason to know that the dog has vicious propensities shall immediately notify the dog warden of such propensities in order that the dog warden may observe and make such orders as may be required pursuant to state law specified in this section.

(d) *Determination and enforcement; local investigation.* The determination and disposition of any dog deemed to have vicious propensities shall be handled by the Dog Warden in accordance with applicable provisions of the Connecticut General Statutes including, but not limited to, C.G.S. §§ 22-355, 22-357, 22-358, 22-362, 22-363,

22-364, 22-364a, 22-367 and regulations adopted pursuant to C.G.S. § 22-367a, including all penalties and fines specified therein.

(e) *Exceptions.* This section shall not apply to:

- (1) Kennels licensed in accordance with C.G.S. ch. 435 (C.G.S. § 22-327 et seq.).
- (2) K-9 or other dogs owned by the Police Department or any Law Enforcement Officer which are used in the performance of police work.

(Code 1961, § 12-3; Ord. No. 595, 4-1-2003)



Chapter 5

RESERVED



Chapter 6

BUILDINGS AND BUILDING REGULATIONS*

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- Sec. 6-143. Duties of Unified Neighborhood Inspection Team.
- Sec. 6-144. Creation and certification of list of blighted properties.
- Sec. 6-145. Owner notification; enforcement and hearing.

*State law reference—State building code, C.G.S. § 29-251 et seq.

DANBURY CODE

- Sec. 6-146. Authority for fines; enforcement, appeal and hearing procedure; lien on property; waiver of fines and release of lien upon remediation by new buyer; tax assessment increase deferral for other than present owner.
- Sec. 6-147. Consistency with other enforcement methods.

ARTICLE I. IN GENERAL

Secs. 6-2—6-20. Reserved.

Sec. 6-1. Permits to move buildings through streets.

No person shall move any building upon or through any highway or street within the City of Danbury without a permit therefor from the City Engineer Building Official. Such a permit shall be issued upon a showing that there will be compliance with all applicable laws and ordinances, that public safety will not be endangered and that public or private property will not be damaged or destroyed.

(Code 1925, § 18; Code 1961, § 6-3; Ord. No. 297, 5-3-1983)

State law reference—Authority to regulate and prohibit moving of buildings, C.G.S. § 7-148(c)(7)(A)(iii).

ARTICLE II. STATE BUILDING CODE**Sec. 6-21. Amendment of State Building Code.**

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Value of work, actual cost of the work and actual cost of demolition mean and include the entire cost to the owner of construction, alteration, repair or demolition and shall include the value of all materials and labor used.

(b) Fees generally.

- (1) In accordance with the provisions of section 108.2 of the State Building Code, before receiving a building permit the owner or his agent shall pay a fee in accordance with the following schedule and based on the value of the work to be performed:

<i>Valuation of Work</i>	<i>Fee</i>
For single-family and multifamily residential structures below one thousand dollars (\$1,000.00) in value	Twenty-two dollars (\$22.00)*
One thousand dollars (\$1,000) and above	Twenty-two dollars (\$22.00) for the first one thousand dollars (\$1,000.00) in value plus eleven dollars (\$11.00) for each additional one thousand dollars (\$1,000.00) or part thereof*
For commercial and industrial structures	Eighteen dollars (\$18.00) per one thousand dollars (\$1,000.00) or part thereof*
For separate permits, available at the option of the owner, covering mechanical, electrical, plumbing, heating and air conditioning, sprinklers, chimneys and fireplaces	Five dollars (\$5.00) for each one hundred dollars (\$100.00) in value up to one thousand dollars (\$1,000.00) plus eleven dollars (\$11.00) for each additional one thousand dollars (\$1,000.00)*
*Except that the fee for all residential and commercial structures located in the Downtown Revitalization Zone as specified in section 7.F. of the City of Danbury Zoning Regulations shall be reduced by fifty (50) percent. Any State fees shall not be reduced.	

No application for a building permit shall be processed without payment of the foregoing fees. If after the filing of an application for a building permit a change is made to the scope of the work to be performed which affects the value of the work, a new fee shall be calculated. Any increase in the fee shall be paid prior to the issuance of a building permit unless a building

permit has already been issued, in which case said increased fee shall be paid prior to the issuance of a certificate of occupancy. Any decrease in the fee resulting from a change in the work shall be refunded in accordance with the provisions of subsection (e) of this section.

- (2) The fee established in subsection (b)(1) of this section shall cover the eight (8) inspections specified herein or so many thereof as are required or applied for on any particular project. Required inspections, to the extent applicable, include:

- a. Footing inspections.
- b. Footing drains and waterproofing.
- c. Rough electrical.
- d. Rough plumbing.
- e. Framing.
- f. Insulation.
- g. Gas or oil burner.
- h. Final; including, but not limited to, electrical, plumbing, fire divisions and exits.

Additional inspections shall be performed for an additional fee of thirty-three dollars (\$33.00) per inspection. Each separate trip to the site shall be deemed to be a separate inspection. Such additional fees shall be due and payable prior to the issuance of a certificate of occupancy. The holder of a valid building permit may request that some or all of the foregoing inspections be performed outside of normal business hours. The Building Official may authorize performance of such inspections outside of normal business hours if appropriate personnel are available to provide such service. No certificate of occupancy shall be issued to any permit holder for whom inspections have been performed outside of normal business hours until the permit holder has paid a fee to cover the additional expense incurred by the city in connection with such inspections. All such fees shall be in an amount equal to the wages paid to personnel performing said inspections.

(c) *Additional fees.* Before receiving a permit or certificate for the following uses or for the conduct of any of the following activities, the owner or his agent shall pay the fee prescribed below:

<i>Type of Permit or Certificate</i>		<i>Fee</i>
(1) Demolition permits		Four percent (%) of the actual cost of demolition
(2) Permits for the moving of buildings		Two hundred seventy-five dollars (\$275.00) per building
(3) Permits for wood stoves		Fifty-five dollars (\$55.00) each
(4) Permits for tanks		
	a. With a capacity of six hundred sixty (660) gallons or less	Fifty-five dollars (\$55.00) each
	b. With a capacity of more than six hundred sixty (660) gallons but less than two thousand (2,000) gallons	Eighty-three dollars (\$83.00) each
	c. With a capacity of two thousand (2,000) gallons or more	One hundred ten dollars (\$110.00) each
(5) Permits for signs		
	a. If ten (10) square feet or less	Eleven dollars (\$11.00)

<i>Type of Permit or Certificate</i>		<i>Fee</i>
	b. If in excess or ten (10) square feet	Eleven dollars (\$11.00) for the first ten (10) square feet plus fifty-five cents (\$0.55) for each additional square foot or part thereof
(6) Certificate of occupancy		Twenty-eight dollars (\$28.00) each
(7) Pools		Fifty-five dollars (\$55.00) for the first one thousand dollars \$1,000.00 in value plus eleven dollars (\$11.00) for each additional one thousand dollars (\$1,000.00) or part thereof
(8) Certificate of approval. For all completed work that requires a building permit but does not require a certificate of occupancy. Such work shall include, but not be limited to: fences over six (6) feet in height; retaining walls over three (3) feet in height; and electrical, plumbing and mechanical repairs or alterations performed in the absence of additional work that requires a certificate of occupancy.		Twenty-eight dollars (\$28.00) each

(d) *Exemptions.*

- (1) Demolition performed by, or on behalf of, any State, Federal or Municipal government shall be exempt from the permit fee requirements of this section.
- (2) Artistic or cultural organizations shall be exempt from the permit fee requirements of this section, provided that the work for which a building permit is sought is intended to be used exclusively for carrying out the artistic or cultural activities of the organization. For purposes of this section, the term "artistic or cultural organization" means a nonprofit organization in the State which is exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code of 1986, as from time to time amended, the primary purpose of which is the participation in, promotion, development, acceptance or appreciation of, artistic and cultural activities which shall include, but are not limited to, music, theater, dance, painting, sculpture, architecture, literature, films and allied arts and crafts. In order to be eligible for exemption under this subsection, no officer, member or employee of such organization may receive or, during

the calendar year preceding the building permit application, have received any pecuniary profit from the operations of the organization except reasonable compensation for services in effecting its artistic or cultural purposes or as proper beneficiary of the strictly charitable purposes thereof.

(e) *Refunds.*

- (1) In the event that an application is withdrawn prior to the issuance of a building permit, the applicant may obtain a refund of eighty (80) percent of the fee paid pursuant to the provisions of subsection (b)(1) of this section. Twenty (20) percent of said fee shall be retained to cover the costs associated with application and plan reviews. No such refund may be made unless the applicant shall apply for the refund within one (1) year of the date of application.
- (2) In the event of a change in the work which results in a reduction of the fee required pursuant to the provisions of subsection (b)(1) of this section, the applicant may obtain a refund of eighty (80) percent of said fee. Twenty (20) percent of said fee shall be retained to

cover the costs associated with application and plan reviews. No such refund may be made unless the applicant shall apply for the refund within one (1) year of the date of application.

- (3) In accordance with the provisions of the State Building Code, any building permit issued by the Building Official shall become invalid if the authorized work is not commenced within six (6) months after issuance of the permit. In the event of the expiration of a permit in accordance with the foregoing, the permittee may obtain a refund of eighty (80) percent of the fee paid pursuant to the provisions of subsection (b)(1) of this section. Twenty (20) percent of said fee shall be retained to cover the costs associated with application and plan reviews. No such refund may be made unless the permittee shall apply for the refund within one (1) year of the date of issuance of the permit.

(f) *Renewal.*

- (1) In accordance with the provisions of the State Building Code, any building permit issued by the Building Official shall become invalid if the authorized work is not commenced within six (6) months after the issuance of the permit, or if the authorized work is suspended or abandoned for a period of six (6) months after the time of commencing the work. In the event of the expiration of a building permit in accordance with the foregoing, the permittee may make application for the renewal of the permit upon payment of the fee required hereunder.
- (2) The fee for the renewal of a building permit pursuant to the provisions of this subsection shall be equal to twenty (20) percent of the original permit fee or the difference between the original permit fee and the permit fee which would otherwise be paid for a new permit issued at the time of the renewal, whichever is greater. No building permit may be renewed more than twice pursuant to the provisions of this section.

(Code 1961, § 6-02; Ord. of 8-28-1961; Ord. of 11-9-1961; Ord. of 10-4-1962; Ord. No. 26, 1-7-

1965; Ord. No. 122, 12-5-1967; Ord. No. 176, 5-2-1972; Ord. No. 266, 2-3-1981; Ord. No. 297, 5-3-1983; Ord. No. 317, 6-4-1985; Ord. No. 368, 9-7-1988; Ord. No. 384, 2-6-1990; Ord. No. 419, 6-4-1991; Ord. No. 429, 11-7-1991; Ord. No. 525, 3-4-1997; Ord. No. 528, 3-4-1997; Ord. No. 544, 5-2-2000; Ord. No. 559, 5-15-2001; Ord. No. 5770, 5-7-2002; Ord. No. 608, 4-6-2004; Ord. No. 719, § 6-02, 11-19-2012; Ord. No. 10, 5-6-2014)

State law reference—State building code, C.G.S. § 29-251 et seq.

Sec. 6-22. Withholding building approvals where applicant is delinquent for the property for which an application was made.

(a) *Approval withheld.* Pursuant to the provisions of C.G.S. § 7-148, and except when otherwise provided in subsection (b) of this section, the Building Official shall withhold approval of building and building-related applications and approvals when taxes or water or sewer rates, charges or assessments imposed by the City are delinquent for the property for which an application was made.

(b) *Exceptions.* Notwithstanding the provisions of subsection (a) of this section, the Building Official may:

- (1) Issue a demolition permit;
- (2) Issue a permit to perform repairs to an existing structure which is unsafe within the meaning of the State Building Code if the Building Official determines that such repairs should be performed immediately to protect the safety of the public or of the occupants of the structure; or
- (3) Issue a permit to perform work to restore a structure damaged by fire, provided that the Building Official obtains evidence satisfactory to the City that the City will receive the proceeds of a fire insurance policy in an amount sufficient to cover any such delinquency.

(Code 1961, § 6-1; Ord. No. 512, 2-6-1995; Ord. No. 533, 11-5-1998; Ord. No. 716, 11-19-2012)

Sec. 6-23. Hindering building inspector.

Any person who shall hinder, obstruct, resist or abuse the inspector of buildings in the discharge of his duties, shall be punished as provided in section 1-8.

(Code 1925, § 23; Code 1961, § 6-8)

Secs. 6-24—6-49. Reserved.

ARTICLE III. DESIGN REVIEW**Sec. 6-50. Design review board.**

(a) *Created.* The City hereby creates a board to be known as the "City of Danbury Design Review Board" (hereinafter the Board).

(b) *Purpose.* The purpose of the Design Review Board is to encourage and facilitate excellence in the design of buildings, landscaping, and signs which will improve the appearance of the built environment and ensure compatible design within historic areas of the City.

(c) *Members, officers and meetings.*

- (1) The Board shall consist of five (5) regular members and two (2) alternate members to be appointed by the Mayor. At least three (3) regular members and one (1) alternate member of the Board shall be specially qualified by reason of training and experience in architecture, urban design, landscape architecture, historic preservation, or similar training and experience. All members shall be legal residents and electors of the City of Danbury.
- (2) Members of the Board shall elect from among its regular members a Chairperson, a Vice-Chairperson and a Secretary, each of whom shall hold office until his successor has been elected or upon resignation by the office holder. The Chairperson shall be responsible for conducting all meetings and for calling meetings as necessary to discharge the responsibilities of the Board on a timely basis. The Vice-Chairperson shall assume the duties of the Chairperson in his absence or

inability. The Secretary shall keep a record of the proceedings of each meeting, including all actions and recommendations taken by the Board. Election of officers shall take place during the first meeting of each calendar year. Alternate members shall be appointed by the Chairperson to serve in the place of any regular members absent from any meeting.

- (3) A quorum of the Board shall consist of three (3) members. Robert's Rules of Order shall govern the conduct of the meetings and the business of the Board.
- (4) The appointment of all members shall be for a term of four (4) years. All terms shall commence in odd numbered years.

(d) *Functions.* It shall be the function of the Board to Review and make recommendations to all applicants on proposed improvements relating to the design and architecture of any proposed building, sign, and related landscaping under circumstances specified in subsection (e) of this section to ensure that such improvements are designed in a manner which is compatible with the character of the neighborhood, protects property values, and preserves and improves the appearance and beauty of the community. Proposals to preserve, rehabilitate, restore or reconstruct property listed on the National Register of Historic Places are urged to follow the standards and guidelines of the U.S. Department of the Interior; proposals for new construction and renovation of non-historic buildings in the Main Street Historic District are urged to follow the "Contextual Design Guidelines for Historic Districts" in the Danbury Plan of Conservation and Development, City of Danbury Comprehensive Planning Program, as amended. The Board may adopt such other standards and guidelines to promote the purposes of this section. Recommendations of the board shall be consistent with provisions of the zoning regulations and other codes and regulations of the City of Danbury.

(e) *Other functions.* The Board may undertake such other activities as deemed appropriate to recognize and encourage excellence in design in the City of Danbury.

(f) *Staff.* The staff of the Department of Planning and Zoning shall provide clerical support services to the Board.

(Code 1961, § 2-44(a)—(d), (h), (i); Ord. No. 668, 7-3-2007)

Sec. 6-51. When required.

(a) The following applications to the City shall require referral to the Board for Review and Recommendations:

- (1) All applications to the Planning Commission, as required by the Danbury Zoning Regulations, for special exception approval of new buildings, regardless of size, and for the expansion of such previously approved buildings whenever such expansion includes the addition or extension of building facades visible from a public way;
- (2) All other applications to the department of planning and zoning, as required by the Danbury Zoning Regulations, for site plan approval of new buildings, regardless of size, and for the expansion of such previously approved buildings whenever such expansion includes the addition or extension of building facades visible from a public way; and,
- (3) In addition to subsections (a)(1) and (2) of this section, for lots in the Main Street Historic District, as specified in the Danbury Plan of Conservation and Development, Comprehensive Planning Program, as amended, and in other historic or village districts or properties as may be so designated by the City, for:
 - a. All building facade alterations visible from a public way; and
 - b. All new or revised wall signs, freestanding signs, hanging or projecting signs, and signs on canopies and awnings.

(b) Notwithstanding the previous provisions, any project which is subject to the review of the Architectural Advisory Committee of the

Downtown Special Services District shall be exempt from review by the Design Review Board. (Code 1961, § 2-44(e); Ord. No. 668, 7-3-2007)

Sec. 6-52. Required documents.

The following applications, renderings and plans shall be submitted by the applicant or his agent whenever such review is required under the circumstances specified in section 6-51.

- (1) A completed and signed "Design Review Board Application," the form for which shall be available in the department of planning and zoning.
- (2) Detailed architectural renderings of facade elevations visible from any public way for all existing and proposed buildings onsite and applicable expansions thereto, at a scale of one (1) inch equals ten (10) feet or less, showing windows, doors, construction materials and detailing, and colors.
- (3) Detailed plans for signs in the Main Street Historic District, at a scale of one (1) inch equals ten (10) feet or less, clearly showing dimensions, colors, materials, letters, logos, symbols and other graphic material.
- (4) A plot plan of the site at a scale of one (1) inch equals forty (40) feet or less showing tract boundaries, north point and scale, location of existing and proposed buildings, structures, parking, sidewalks, driveways, and landscaping.

(Code 1961, § 2-44(f); Ord. No. 668, 7-3-2007)

Sec. 6-53. Application and review procedure.

(a) For any application subject to the board's review, as specified section 6-51, the applicant shall, no later than the date of filing of its application for special exception approval, site plan approval, and revisions thereto, and/or for a sign permit in the Main Street Historic District, submit to the Office of the Department of Planning and Zoning a completed and signed copy of the "Design Review Board Application" together with eight (8) copies of all required renderings

and plans specified in section 6-52. The applicant is urged to submit such materials at least thirty (30) days prior to such filing to the Planning Commission or Department of Planning and Zoning in order to facilitate the Board's review and recommendations.

(b) Upon the applicant's submittal of the "Design Review Board Application" and required renderings and plans, the Board shall consider the application at its next regularly scheduled meeting or at such other meeting as the Chairperson deems necessary. The Chairperson shall provide written notice to the applicant of the time, date and place of such meeting, and post notice thereof in the City of Danbury Town Clerk's office.

(c) The Board shall forward its comments and recommendations to the applicant and the Planning Commission or the Department of Planning and Zoning, as appropriate, within thirty-five (35) days of the applicant's submission of the "Design Review Board Application" and required renderings and plans, or such greater period as may be agreed to by the Department of Planning and Zoning.

(d) Failure of the Board to act within the time frame specified herein shall not be grounds for the denial of any special exception or site plan application by the Planning Commission or Department of Planning and Zoning, nor shall anything contained herein be construed to extend any applicable time limits for special exception or site plan review imposed by the Connecticut General Statutes.

(e) All recommendations made by the Board shall be advisory. Nothing herein stated or contained within such recommendations shall constitute the basis of approval or denial of an application by any authority, board, commission or department of the City of Danbury unless lawfully authorized by other rules, requirements or regulations.
(Code 1961, § 2-44(g); Ord. No. 668, 7-3-2007)

Secs. 6-54—6-79. Reserved.

ARTICLE IV. SWIMMING POOLS*

Sec. 6-80. Swimming pool defined.

For the purpose of this chapter, the term "outdoor swimming pool" means a body of water in an artificial or natural receptacle or other container, in-ground or aboveground, designed to contain water having a depth of two (2) feet or more, used publicly or privately by adults or children, or both, whether or not any charge or fee is imposed for such use and whether or not the user is an owner, lessee, operator, licensee, concessionaire, invitee or guest and shall include all structures, appurtenances, equipment, appliances and other facilities intended for the operation and maintenance of such pools.

(Code 1961, § 6-14; Ord. No. 527, 8-5-1997)

Sec. 6-81. Enforcement; building official.

The building official shall be responsible for enforcement of the provisions of this article in accordance with the provisions of the State Building Code, as amended, and in accordance with the enforcement by citation procedure established pursuant to section 2-2, which shall not be mutually exclusive.

(Code 1961, § 6-12; Ord. No. 527, 8-5-1997)

Sec. 6-82. Deadline for compliance.

All unenclosed outdoor swimming pools must be properly enclosed not later than sixty (60) days from the effective date of the Ordinance No. 527 from which this article is derived or thirty (30) days from the date of notification from the Building Official, whichever is earlier.

(Code 1961, § 6-15; Ord. No. 527, 8-5-1997)

Sec. 6-83. Enclosure of swimming pools required.

Any outdoor swimming pool shall be completely surrounded by means of a fence or wall not less than four (4) feet above the ground at any point. All openings in the fence or wall shall be secured by a gate or door equipped with a self-closing, self-latching mechanism placed at least four (4)

*State law references—Swimming pool builder's license, C.G.S. § 20-340d; swimming pool permits, C.G.S. § 29-265a.

feet above the ground and made inaccessible from the outside to small children. A natural barrier, hedges or pool cover is not permitted as an enclosure.

(Code 1961, § 6-11; Ord. No. 527, 8-5-1997)

Sec. 6-84. Applicability; building code; retroactivity.

Swimming pool enclosures shall be constructed in accordance with the technical requirements and specifications of the provisions of this chapter and the State Building Code, as amended, and shall apply to any pool presently in existence and any pool built within the City subsequent to the date hereof. It is the specific intent hereof that this legislation be deemed expressly retroactive in order to accomplish the intent of protecting the health, safety and welfare of the community. (Code 1961, § 6-13; Ord. No. 527, 8-5-1997)

Secs. 6-85—6-110. Reserved.

**ARTICLE V. HOUSING
BLIGHT—GENERALLY***

Sec. 6-111. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned means a dwelling or unit which, by any observation, has been relinquished and is vacant.

Blighted means deteriorated, in a state of ill repair, filthy, decaying.

Blighted premises means any building or structure or any portion of said property that is defined by one (1) or more of the following definitions:

- (1) It is determined by the City that existing conditions pose a serious or immediate danger to the community (i.e., a life

*State law reference—Authority to prevent or remove housing blight, C.G.S. § 7-148(c)(7)(H)(xv).

threatening condition or a condition which puts at risk the health or safety of citizens of the City);

- (2) It is not being maintained; the following factors may be considered in determining whether a structure or building is not being maintained:
 - a. Missing or boarded windows or doors;
 - b. A collapsing or missing wall;
 - c. Sagging or collapsed roof or floor;
 - d. Siding that is seriously damaged or missing;
 - e. Fire damaged;
 - f. A foundation that is seriously damaged or missing;
 - g. A foundation that is structurally faulty; or
 - h. Garbage, trash or abandoned cars situated on the premises;
- (3) It is becoming dilapidated or unsafe, as determined by the Building Official;
- (4) It has attracted illegal activity, as determined by the Chief of Police;
- (5) It is a fire hazard, as determined by the Fire Marshal;
- (6) It is a factor in materially depreciating property values in the immediate neighborhood because of its poorly maintained condition including a substantial and unreasonable interference with the reasonable and lawful use and enjoyment of other premises within the neighborhood as documented by neighborhood complaints, or cancellation of insurance on proximate properties;
- (7) It is a factor creating a substantial and unreasonable interference with the reasonable and lawful use and enjoyment of other space within the building or structure or of other premises within the neighborhood;
- (8) It constitutes a health or sanitary problem, as determined by the Health Director.

Dilapidated means any building or structure or part thereof that would not qualify for a certificate of use and occupancy or which is deemed an unsafe structure, and any dwelling or unit which is designated as unfit for human habitation as defined in the State Building Code or the Code of the City of Danbury.

Legal occupancy means occupancy that is legal by virtue of compliance with the State Building Code, State Fire Safety Code, local zoning, local housing and all other pertinent codes pertaining to housing, and which habitation shall be substantiated by a deed, bona fide lease agreement, rent receipt or utility statement.

Neighborhood means an area of the City comprised of all premises or parcels of land any part of which is within a radius of 800 feet of any part of another parcel or lot within the City limits.

Unit means any space within a building that is or can be rented by or to a single person or entity for his or its sole use, and is intended to be a single and distinct space.

Vacant means a building or structure which has been unoccupied for a period of sixty (60) days or longer, during which the building or portion thereof is not legally occupied. Pursuant to the provision of this article, enforcement action may proceed without regard to a period of vacancy whenever any unoccupied building attracts criminal activity, is a health risk because of trash disposal or other condition, is blighted, or otherwise falls within the condition generally described in section 6-112.

(Code 1961, § 10-92; Ord. No. 584, 11-7-2002; Ord. No. 14, § 10-92, 9-3-2014)

Sec. 6-112. Declaration of policy.

(a) This article is enacted pursuant to the enabling provisions of C.G.S. § 7-148(c)(7)(H).

(b) It is hereby found and declared that there exist within the City of Danbury, real properties which contain vacant, abandoned or blighted buildings and the existence of said buildings contributes to the decline of City neighborhoods. It is further found that the existence of such

vacant, abandoned or blighted buildings adversely affects the economic well-being of the City and is inimical to the health, safety and welfare of the residents of the City of Danbury. It is further found that many of the vacant, abandoned or blighted buildings can be rehabilitated, reconstructed, demolished or reused to provide decent, safe, sanitary housing or commercial facilities, and that such rehabilitation, reconstruction, demolition or reuse would eliminate, remedy and prevent the adverse conditions described.

(c) It is hereby further found that while certain and other administrative remedies presently exist to remediate serious housing deficiencies, including blighted conditions, the adoption of this article has been enabled by State law to permit the remediation of specific and unacceptable housing conditions deemed by the City as blighted.

(Code 1961, § 10-91; Ord. No. 584, 11-7-2002; Ord. No. 14, § 10-91, 9-3-2014)

Sec. 6-113. Prohibition against creation or maintenance of a blighted premises.

No person, firm or corporation, including any owner, or tenant under contract of maintenance, of real property in the City of Danbury shall cause or allow a blighted premises to be created, nor shall any such individual or entity allow the continued existence of a blighted premises. (Code 1961, § 10-93; Ord. No. 584, 11-7-2002; Ord. No. 14, § 10-93, 9-3-2014)

Sec. 6-114. Duties of Unified Neighborhood Inspection Team.

(a) The Unified Neighborhood Inspection Team ("UNIT") shall, unless otherwise provided, have the overall responsibility for the enforcement of the provisions of this article and shall cause regular inspections to be made of all blighted premises, in accordance with all applicable law.

(b) Any member of the UNIT may, in accordance with all applicable law, enter upon any blighted premises existing on private property between 8:00 a.m. and 5:00 p.m. Monday through

Friday which has been determined by preliminary observation to be in violation of the provisions hereof.

(c) The UNIT shall report directly to the Mayor regarding its enforcement of this article. (Code 1961, § 10-94; Ord. No. 584, 11-7-2002; Ord. No. 14, § 10-94, 9-3-2014)

Sec. 6-115. Creation and certification of list of blighted properties.

(a) Immediately upon enactment of the ordinance from which this article is derived, the Mayor shall require all department heads to provide to the UNIT a list of real properties they are aware of that appear to be blighted.

(b) Within thirty (30) days of the receipt of said list the UNIT shall, utilizing the criteria established in section 6-111, and such additional standards and such other criteria as hereafter adopted by the UNIT, compile a list of blighted premises. The UNIT, as new information is reported, shall review and update the list. The UNIT shall consult with the building official regarding the list of blighted premises and receive advice and recommendations from the building official and/or the chief of police, fire marshal or health director, dependant upon the nature of the violation(s) as defined in section 6-111, prior to issuing any written notice and warning or citation. (Code 1961, § 10-95; Ord. No. 584, 11-7-2002; Ord. No. 14, § 10-95, 9-3-2014)

Sec. 6-116. Owner notification, enforcement and hearing.

(a) Once the list of blighted properties has been generated, the UNIT shall provide written notice and warning of any violation(s) to the owner and to the occupant by mailing a written notice to the owner and the occupant by certified mail, return receipt requested. Such notice shall set forth the specific violation(s) and provide the owner and the occupant with a period of thirty (30) days from the date of the mailing of the notice to remediate the blight prior to any enforcement action being taken.

(b) Once the written notice and warning required by section 6-116(a) has been mailed and the time period for remediation has elapsed with no remediation occurring, the UNIT shall issue written orders to the owner and to the occupant of such premises notifying them of the specific violation(s) by mailing a notice to the owner by certified mail, return receipt requested, to the last known address of the owner and the occupant, or in the case of an unidentified owner or one whose address is unknown, by publishing a notice in a daily or weekly newspaper having a general circulation within the community, stating that the property is cited for blight.

(c) Said written order from the UNIT shall direct the owner and the occupant to remediate the blighted premises in a manner and within such reasonable time as is specified in said order. If such remediation does not occur within the time frame and in the manner specified, the UNIT is authorized to assess a civil penalty as described in section 6-117, for each day of noncompliance, and also shall notify the owner and the occupant that the City may remediate the blight and assess the owner of the property for all costs associated with such remediation, or such other additional fines as may be authorized or imposed by the state for a willful violation as described in section 6-117.

(d) Any person who is a new owner or new occupant shall, upon request, be granted a thirty (30) day extension of the notice and opportunity to remediate provided pursuant to subsection 6-116(a). For purposes of this section, the term "new owner" means any person who has taken occupancy of a property within thirty (30) days of the notice.

(e) In the event of noncompliance and/or City remediation of the subject property, the UNIT shall issue a notice, together with invoice to the owner/violator demanding payment of all accrued civil penalties, fines and costs of remediation. Further action to collect civil penalties, fines and/or costs shall be in accordance with procedures set forth in section 2-3 pertaining to enforcement, appeals and hearing. (Code 1961, § 10-96; Ord. No. 584, 11-7-2002; Ord. No. 14, § 10-96, 9-3-2014)

Sec. 6-117. Penalties; enforcement; appeals; liens; waivers; tax deferrals.

(a) In accordance with authority set forth in C.G.S. § 7-148(c)(7)(H), as may be amended from time to time, a civil penalty of up to one hundred (\$100.00) dollars is prescribed for each day of violation, the period of such violation being deemed to commence in accordance with Section 6-116.

(b) In accordance with the authority set forth in C.G.S. § 7-148o, as may be amended from time to time, a penalty of not more than two hundred fifty dollars (\$250.00) fined by the state is prescribed for each day a willful violation can be shown.

(c) The collection of civil penalties imposed and costs assessed shall be subject to the appeal and hearing procedure set forth in section 2-3.

(d) In accordance with authority set forth in C.G.S. § 7-148aa, as may be amended from time to time, any unpaid civil penalty imposed pursuant to the provisions of this article shall constitute a lien upon the real estate against which the civil penalty was imposed from the date of such civil penalty. Each such lien may be continued, recorded and released in the manner provided by law and shall take precedence over all other liens filed after July 1, 1997, and encumbrances, except taxes, and may be enforced in the same manner as property tax liens, including pursuant to the provisions of C.G.S. § 12-169b.

(e) As an incentive toward the full remediation of residential property designated blighted by the UNIT, a purchaser or a prospective purchaser of such blighted property may make application to the City of Danbury for a waiver of fines and release of lien imposed in accordance with the provisions of this section. Said application shall specify the time frame of the sale and the proposed remediation. The applicant, once approved for this program, shall agree to execute an agreement which shall specify the time frame for remediation (which remediation shall occur within six (6) months of closing of title), the specific improvements to be made, that the applicant shall maintain the property as owner-occupied for a term of at least three (3) years

from the date of remediation approval and that the applicant understands that such waiver or release shall only occur upon full remediation and approval of same by the UNIT.

(f) In addition to the incentive proposed in subsection (e) of this section, a purchaser or proposed purchaser of residential property, may avail themselves of the tax deferral benefits set forth in section 44-63, as may pertain to blighted residential property, except that the requirement of owner occupancy need not be required where said purchaser or prospective purchaser is eligible for and executes an agreement qualifying for tax deferral benefits pursuant to said section 44-63.

(g) For purpose of this subsection, the term "new buyer" or "purchaser" means an individual or entity that shall have purchased the premises pursuant to an arms-length transaction, verified to the satisfaction of the City in the remediation application specified in subsection (e) of this section, and may not include immediate family members of the prior owner (including but not limited to spouses, children, siblings or parents) or sham transfers. The City shall make all determinations with respect to the viability and the acceptability of any new buyer for the proposed benefits and the purposes of this subsection and the City Council may, in its review of remediation applications, waive such of the restrictions referred to in this section as it may deem prudent and in the best interests of the City of Danbury. (Code 1961, § 10-97; Ord. No. 584, 11-7-2002; Ord. No. 607, § 10-86, 2-3-2004; Ord. No. 14, § 10-97, 9-3-2014)

Sec. 6-118. Consistency with other enforcement methods.

This article is intended to be enforced and applied in a manner consistent with other, available administrative remedies for the enforcement of housing blight but is not intended to be exclusive of such other remedies, penalties or enforcement actions which may be available to the City.

(Code 1961, § 10-98; Ord. No. 584, 11-7-2002; Ord. No. 14, § 10-98, 9-3-2014)

Secs. 6-119—6-139. Reserved.

ARTICLE VI. HOUSING BLIGHT— EXTERIOR PREMISES

Sec. 6-140. Declaration of policy.

(a) The ordinance from which this article is derived is enacted pursuant to the enabling provisions of C.G.S. § 7-148(c)(7)(H). These sections are intended to address blight existing on the exterior or outdoor portions of a premises which is not otherwise covered by article V of this chapter.

(b) It is hereby found and declared that there exists within the City real properties which contain housing blight consisting of a blighted exterior portion of a premises and that the existence of said exterior blighted conditions contribute to the decline of City neighborhoods. It is further found that the existence of such blighted exterior premises adversely affects the economic well-being of the city and is inimical to the health, safety and welfare of the residents of the City.

(Ord. No. 718, § 10-99, 11-19-2012)

Sec. 6-141. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned motor vehicle means a motor vehicle which, after good faith determination, has the appearance that the owner has relinquished control without intention to reclaim it, including, but not limited to, a vehicle with no marker plates, invalid marker plates, or one which is damaged, vandalized, dismantled, partially dismantled, inoperative or unusable as a motor vehicle.

Blighted means deteriorated, in a state of ill repair, filthy, decaying, unkempt, or dirty.

Blighted exterior premises means any and all exterior portions of any parcel of land containing

a building or structure or a vacant parcel of land in which at least one (1) of the following conditions exist:

- (1) The unauthorized storage or accumulation of junk, trash, rubbish, boxes, paper, plastic, debris, refuse or excessive wood waste debris of any kind on the exterior premises;
- (2) The parking of inoperable, abandoned and/or unregistered motor vehicles, including cars, trucks, boats, motorcycles, or other inoperable machinery, on the exterior premises or the public right-of-way, except as permitted by the City Zoning Regulations or State or Federal laws and/or regulations;
- (3) The exterior premises is not being maintained. The following factors may be considered, but are not exhaustive, in determining whether the exterior premises is not being maintained:
 - a. The presence of junk, trash, rubbish, boxes, paper, plastic, debris, refuse or excessive wood waste debris of any kind;
 - b. The presence of rodent infestation or vermin;
 - c. The presence of overgrown grass, weeds, or brush that is uncultivated and at least one foot in height;
 - d. The presence of visible portions of significant unattended bare dirt patches;
- (4) The exterior premises has attracted illegal activity, as determined by the Chief of Police;
- (5) The exterior premises is a factor in materially depreciating property values in the immediate neighborhood because of its poorly maintained condition;
- (6) The exterior premises is a factor creating a substantial and unreasonable interference with the reasonable and lawful use and enjoyment of other premises within the neighborhood;

- (7) The exterior premises constitutes a health or sanitary problem, as determined by the Director of Health.

Inoperable motor vehicle means a motor vehicle that:

- (1) Is incapable of performing the function for which it was designed by virtue of missing parts, or broken or severely damaged components; or
- (2) Cannot be legally registered by the State Department of Motor Vehicles.

Neighborhood means an area of the City comprised of all premises or parcels of land any part of which is within a radius of eight hundred (800) feet of any part of another parcel or lot within the City limits.

(Ord. No. 718, § 10-100, 11-19-2012)

Sec. 6-142. Prohibition against creation or maintenance of a blighted exterior premises.

No person, including any owner or tenant under contract of maintenance of real property in the City, shall cause or allow a blighted exterior premises to be created, nor shall any such individual or entity allow the continued existence of a blighted exterior premises.

(Ord. No. 718, § 10-101, 11-19-2012)

Sec. 6-143. Duties of Unified Neighborhood Inspection Team.

(a) The Unified Neighborhood Inspection Team (UNIT) shall, unless otherwise provided, have the overall responsibility for the enforcement of the provisions of this article and shall cause regular inspections to be made of all blighted exterior premises in accordance with all applicable law.

(b) Any member of the UNIT may, in accordance with all applicable law, enter upon any blighted exterior premises existing on private property between 8:00 a.m. and 5:00 p.m. Monday through Friday which has been determined by preliminary observation to be in violation of the provisions of this article.

(c) The UNIT shall report directly to the Mayor regarding its enforcement of this article. (Ord. No. 718, § 10-102, 11-19-2012)

Sec. 6-144. Creation and certification of list of blighted properties.

(a) Immediately upon enactment of the ordinance from which this article is derived, the Mayor shall require all department heads to provide to the UNIT a list of properties that they are aware of which contain a blighted exterior premises.

(b) Within thirty (30) days of the receipt of said list, the UNIT shall, utilizing the criteria established in section 6-141 and such additional standards and conditions as may be hereinafter adopted by the UNIT, compile a list of properties containing a blighted exterior premises. The UNIT shall review and update the list as new information is reported.

(Ord. No. 718, § 10-103, 11-19-2012)

Sec. 6-145. Owner notification; enforcement and hearing.

(a) Once the list of properties containing a blighted exterior premises has been generated, the UNIT shall issue written orders to the owners of such premises notifying them of the specific violations by mailing a notice to the owner by certified mail, return receipt requested, to the last known address of the owner, or, in the case of an unidentified owner or one whose address is unknown, by publishing a notice in a daily or weekly newspaper having a general circulation within the community, stating that the property is cited for a blighted exterior premises.

(b) Said written order from the UNIT shall direct the owner to remediate the blighted exterior premises in a manner and within the time specified in said order. If such remediation does not occur within the timeframe and in the manner specified, the UNIT is authorized to assess a fine up to one hundred dollars (\$100.00), or that maximum fine permitted by statute, whichever is greater, for each day of noncompliance, and shall also notify the owner that the City may

remediate the blight and assess the owner of the property for all costs associated with such remediation.

(c) In the event of noncompliance and/or City remediation of the blighted exterior premises, the UNIT shall issue a notice, together with invoice, to the owner/violator demanding payment of all accrued fines and costs of remediation. Further action to collect fines and/or costs shall be in accordance with procedures set forth in section 2-3.

(Ord. No. 718, § 10-104, 11-19-2012)

Sec. 6-146. Authority for fines; enforcement, appeal and hearing procedure; lien on property; waiver of fines and release of lien upon remediation by new buyer; tax assessment increase deferral for other than present owner.

(a) In accordance with authority set forth in C.G.S. § 7-148(c)(7)(H) as may be amended from time to time, a fine of up to one hundred dollars (\$100.00) or that maximum fine permitted by statute, whichever is greater, is prescribed for each day of violation, the period of such violation being deemed to commence in accordance with section 6-145.

(b) The collection of fines imposed and costs assessed shall be subject to the appeal and hearing procedure set forth in section 2-3.

(c) In accordance with authority set forth in C.G.S. § 7-148aa, as may be amended from time to time, any unpaid fine imposed pursuant to the provisions of this article shall constitute a lien upon the real estate against which the fine was imposed from the date of such fine. Each such lien may be continued, recorded and released in the manner provided by law and shall take precedence over all other liens filed after July 1, 1997, and encumbrances, except taxes, and may be enforced in the same manner as property tax liens, including pursuant to the provisions of C.G.S. § 12-169b.

(d) As an incentive toward the full remediation of residential property designated as a blighted exterior premises by the UNIT, a purchaser or a prospective purchaser of such blighted property may make application to the City for a waiver of fines and release of lien imposed in accordance with the provisions of this section. Said application shall specify the timeframe of the sale and the proposed remediation. The applicant, once approved for this program, shall agree to execute an agreement which shall specify the timeframe for remediation (which remediation shall occur with six (6) months of closing of title), the specific improvements to be made, that the applicant shall maintain the property as owner-occupied for a term of at least three (3) years from the date of remediation approval and that the applicant understands that such waiver or release shall only occur upon full remediation and approval of same by the UNIT.

(e) In addition to the incentive proposed in subsection (d) of this section, a purchaser or proposed purchaser of residential property may avail himself of the tax deferral benefits set forth in section 44-62, as may pertain to blighted residential property, except that the requirement of owner occupancy need not be required where said purchaser or prospective purchaser is eligible for and executes an agreement qualifying for tax deferral benefits pursuant to said section 44-62.

(f) For purposes of this section, the term "new buyer" or "purchaser" shall mean an individual or entity that shall have purchased the premises pursuant to an arms'-length transaction, verified to the satisfaction of the City in the remediation application specified in subsection (d) of this section, and may not include immediate family members of the prior owner (including, but not limited to, spouses, children, siblings or parents) or sham transfers. The City shall make all determinations with respect to the viability and the acceptability of any new buyer for the proposed benefits and the purposes of this section and the City Council may, in its review of remediation applications, waive such of the restrictions referred to in this section as it may deem prudent and in the best interests of the City.

(Ord. No. 718, § 10-105, 11-19-2012)

Sec. 6-147. Consistency with other enforcement methods.

This article is intended to be enforced and applied in a manner consistent with other available administrative remedies for the enforcement of housing blight but is not intended to be exclusive of such other remedies, penalties or enforcement actions which may be available to the City.

(Ord. No. 718, § 10-106, 11-19-2012)



Chapter 7

RESERVED

1

2

3

Chapter 8

ELECTIONS*

- | | |
|-----------|------------------------------|
| Sec. 8-1. | Voting precincts designated. |
| Sec. 8-2. | Voting wards of city. |

*State law reference—Elections, C.G.S. § 9-1 et seq.



Sec. 8-1. Voting precincts designated.

There shall be nineteen (19) voting districts within the limits of the City of Danbury as designated below:

- (1) That portion of the 138th Assembly District situated within the first municipal ward shall be designated as 1-138.
- (2) That portion of the 110th Assembly District situated within the first municipal ward shall be designated as 1-110.
- (3) That portion of the 109th Assembly district situated within the first municipal ward shall be designated as 1-109.
- (4) That portion of the 108th Assembly district situated within the second municipal ward shall be designated as 2-108.
- (5) That portion of the 138th Assembly District situated within the second municipal ward shall be designated as 2-138.
- (6) That portion of the 109th Assembly District situated within the second municipal ward shall be designated as 2-109.
- (7) That portion of the 107th Assembly district situated within the third municipal ward shall be designated as 3-107.
- (8) That portion of the 109th Assembly District situated within the third municipal ward shall be designated as 3-109.
- (9) That portion of the 109th Assembly District situated within the fourth municipal ward shall be designated as 4-109.
- (10) That portion of the 110th Assembly District situated within the fourth municipal ward shall be designated as 4-110.
- (11) That portion of the 110th Assembly District situated within the fifth municipal ward shall be designated as 5-110.

(12) That portion of the 2nd Assembly District situated within the fifth municipal ward shall be designated as 5-002.

(13) That portion of the 109th Assembly District situated within the fifth municipal ward shall be designated as 5-109.

(14) That portion of the 110th Assembly District situated within the sixth municipal ward shall be designated as 6-110.

(15) That portion of the 2nd Assembly District situated within the sixth municipal ward shall be designated as 6-002.

(16) That portion of the 138th Assembly district situated within the sixth municipal ward shall be designated as 6-138.

(17) That portion of the 138th Assembly District situated within the seventh municipal ward shall be designated as 7-138.

(18) That portion of the 110th Assembly District situated within the seventh municipal ward shall be designated as 7-110.

(19) That portion of the 2nd Assembly District situated within the seventh municipal ward shall be designated as 7-002.

(Code 1961, § 2-4.2; Ord. No. 252, 2-5-1980; Ord. No. 439, 4-7-1992; Ord. No. 577, 8-6-2002; Ord. No. 601, 7-1-2003; Ord. No. 2, § 2-4.2, 5-7-2013)

State law reference—Voting districts, C.G.S. § 9-169 et seq.

Sec. 8-2. Voting wards of city.

The seven (7) wards of the City of Danbury are designated on a map dated March 2013 and further described and bounded as follows, reference being to the centerline of all streets and highways mentioned:

- (1) *First ward.* Commencing at the point where the highway known as Ball Pond Road intersects the boundary line of the City of Danbury and the Town of New Fairfield, thence southeasterly and southerly along Ball Pond Road to Padanaram Road, thence southeasterly along

Padanaram Road to Hayestown Avenue, thence northeasterly along Hayestown Avenue to Tamarack Avenue, thence southeasterly along Tamarack Avenue to the southerly entrance to the Immanuel Lutheran Church Cemetery at Tamarack Avenue, thence through the Wooster Cemetery to the most northerly point in Ellsworth Avenue, thence southwesterly along Ellsworth Avenue to Summit Street, thence southeasterly along Summit Street to Osborne Street, thence southwesterly along Osborne Street to Maple Avenue, thence northwesterly along Maple Avenue to Patch Street, thence westerly along Patch Street to Main Street, thence southerly along Main Street to Franklin Street, thence northwesterly along the following streets and road, Franklin Street, Franklin Street Extension and Middle River Road to West King Street, thence westerly along West King Street to the New York State line, thence northerly along the New York State line to the corner intersection with the City of Danbury-Town of New Fairfield boundary line, thence easterly along the City of Danbury-Town of New Fairfield boundary line to Ball Pond Road, being the point or place of beginning.

- (2) *Second ward.* Commencing at a point located on the City of Danbury and the Town of New Fairfield boundary line, said point of beginning situated within the limits of Lake Candlewood and being one and two-tenths (1.2) miles southwesterly of the town bound stone marking the junction of the Towns of New Fairfield and Brookfield and the City of Danbury, thence generally southerly through the center, more or less, of Lake Candlewood to a point in Hayestown Road where said road is located on a dike of Lake Candlewood, said point being the approximate midpoint of the dike, thence northeasterly, southeasterly and easterly along Hayestown Road to Great Plain Road, thence generally southerly along Great Plain Road to Germantown Road, thence gener-

ally southerly along Germantown Road to Hospital Avenue, thence northerly, southwesterly and southerly along Hospital Avenue to Osborne Street, thence southwesterly along Osborne Street to Summit Street, thence northwesterly along Summit Street to Ellsworth Avenue, thence northerly along Ellsworth Avenue to the most northerly point of Ellsworth Avenue, thence through Wooster Cemetery to the southerly entrance to the Immanuel Lutheran Church cemetery at Tamarack Avenue, thence northwesterly along Tamarack Avenue to Hayestown Avenue, thence southwesterly along Hayestown Avenue to Padanaram Road, thence northwesterly along Padanaram Road to Ball Pond Road, thence northerly and northwesterly along Ball Pond Road to its intersection with the boundary line of the City of Danbury and the Town of New Fairfield, thence northeasterly along said City of Danbury and the Town of New Fairfield boundary line to the point being one and two-tenths (1.2) miles westerly of the town bound marking the junction of the Towns of New Fairfield and Brookfield and the City of Danbury, being the point or place of beginning.

- (3) *Third ward.* Commencing at a stone bound marking the junction of the Towns of Brookfield and New Fairfield and the City of Danbury and being the northeasterly boundary corner of the City of Danbury, thence southerly along the boundary of City of Danbury and the Town of Brookfield to the intersection of Federal Road, thence southeasterly along the boundary of City of Danbury and the Town of Brookfield to the boundary of the City of Danbury and the Town of Brookfield and the Town of Bethel, thence southerly along the boundary of City of Danbury and the Town of Bethel to north side of Interstate I-84, thence southwesterly and northwesterly along the north side of Interstate I-84 to Federal Road, thence generally southwesterly along Federal Road to White Street, thence westerly along White Street to Meadow

Street, thence northwesterly along Meadow Street to James Street, thence northeasterly along James Street to Somers Street, thence northerly along Somers Street to Cleveland Street, thence southwesterly along Cleveland Street to Locust Avenue, thence northwesterly along Locust Avenue to Osborne Street, thence southwesterly along Osborne Street to Hospital Avenue, thence northerly, easterly and southerly along Hospital Avenue to the intersection of Germantown Road and Osborne Street, thence northerly along Germantown Road to Great Plain Road, thence generally northerly along Great Plain Road to Hayestown Road, thence generally westerly along Hayestown Road to a point in Hayestown Road at the approximate center of the dike of Lake Candlewood, thence generally northerly through the approximate center of Lake Candlewood to a point on the City of Danbury and the Town of New Fairfield boundary line located within the limits of Lake Candlewood being one and two-tenths (1.2) miles southwesterly of the junction of the Towns of New Fairfield and Brookfield and the City of Danbury, said junction marked by a stone bound, thence northeasterly along said boundary line to northeasterly boundary corner of the City of Danbury, being the point or place of beginning.

- (4) *Fourth ward.* Commencing at a point where the boundary line between the City of Danbury and the Town of Bethel intersects the north side of Interstate I-84, thence southerly, southwesterly and westerly along the City of Danbury and Town of Bethel boundary line to Coal Pit Hill Road, thence northwesterly along Coal Pit Hill Road to South Street, thence westerly along South Street to Town Hill Avenue, thence northwesterly along Town Hill Avenue to the intersection of east Liberty Street and Nichols Street, thence northerly along Nichols Street to Pahquique Avenue, thence northerly across the Still River and through Danbury Railroad

yard to the intersection of White Street and Moss Avenue, thence easterly along White Street to Federal Road, thence northeasterly along Federal Road to north side of Interstate I-84, thence along the north side of Interstate I-84 to the boundary line between the City of Danbury and the Town of Bethel, being the point or place of beginning.

- (5) *Fifth ward.* Commencing at a point where Coal Pit Hill road intersects the boundary line between the City of Danbury and the Town of Bethel thence running southerly along the City of Danbury and the Town of Bethel boundary line to the point where it intersects the boundary corner between said City of Danbury and the Town of Redding, thence westerly along the City of Danbury and Town of Redding boundary line to the point where it intersects the boundary corner between said City of Danbury and the Town of Ridgefield, thence northwesterly along said City of Danbury and Town of Ridgefield boundary line to Sugar Hollow Road (U.S. Route 7), thence northerly along Sugar Hollow Road (U.S. Route 7) to Wooster Heights Road, thence northeasterly along Wooster Heights Road to Southern Boulevard, thence southeasterly along Southern Boulevard to Blind Brook, thence northerly along Blind Brook to Jefferson Avenue, thence northerly along Jefferson Avenue to West Wooster Street, thence northeasterly along West Wooster Street to Deer Hill Avenue, thence northwesterly along Deer Hill Avenue to the intersection of New Street and West Street, thence northwesterly along New Street to Elm Street, thence easterly along Elm Street to Main Street, thence northwesterly along Main Street to Patch Street, thence easterly along Patch Street to Maple Avenue, thence southerly along Maple Avenue to Osborne Street, thence northeasterly along Osborne Street to Locust Avenue, thence southeasterly along Locust Avenue to Cleveland Street, thence northeasterly along Cleveland Street to Somers Street,

thence southeasterly along Somers Street to James Street, thence southwesterly along James Street to Meadow Street, thence southeasterly along Meadow Street to White Street, thence westerly along White Street to the intersection of Moss Avenue, thence southerly through the railroad yard and across the Still River to the intersection of Pahquioque Avenue and Nichols Street, thence southerly along Nichols Street to Town Hill Avenue, thence southeasterly along Town Hill Avenue to South Street, thence northeasterly along South Street to Coal Pit Hill Road, thence southeasterly along Coal Pit Hill Road to the City of Danbury and Town of Bethel boundary line being the point or place of beginning.

- (6) *Sixth ward.* Commencing at the point where the Sugar Hollow Road (U.S. Route 7) intersects the boundary line between the City of Danbury and the Town of Ridgefield, thence northerly, northwesterly and westerly along the City of Danbury and Town of Ridgefield boundary line to a point on the boundary line of the State of New York, thence northeasterly along the City of Danbury and the State of New York boundary line to Mill Plain Road, thence generally easterly along Mill Plain Road, Lake Avenue Extension, Lake Avenue and West Street to Beaver Street, thence northerly along Beaver Street to the intersection of Rose Street and Rose Hill Avenue, thence easterly along Rose Street to Kennedy Avenue, thence southeasterly along Kennedy Avenue to the intersection of Elm Street and New Street, thence southeasterly along New Street to the intersection of West Street and Deer Hill Avenue, thence southeasterly along Deer Hill Avenue to West Wooster Street, thence southwesterly along West Wooster Street to Jefferson Avenue, thence southerly along Jefferson Avenue to Blind Brook, thence southerly along Blind Brook to Southern Boulevard, thence northwesterly along Southern Boulevard to Wooster Heights Road, thence southwesterly along Wooster

Heights Road to Sugar Hollow Road (U.S. Route 7), thence southerly along Sugar Hollow Road (U.S. Route 7) to the City of Danbury and Town of Ridgefield boundary line being the point or place of beginning.

- (7) *Seventh ward.* Commencing at the point where the boundary line between the City of Danbury and the State of New York intersects Mill Plain Road, thence northerly along the New York State and City of Danbury boundary line to West King Street, thence southeasterly along West King Street to Middle River Road, thence southerly and southeasterly along the following road and streets, Middle River Road, Franklin Street Extension and Franklin Street to Main Street, thence southeasterly along Main Street to Elm Street, thence westerly along Elm Street to Kennedy Avenue, thence northwesterly along Kennedy Avenue to Rose Street, thence westerly along Rose Street to Beaver Street, thence southerly along Beaver Street to West Street, thence westerly, southwesterly and northwesterly along the following street, avenue and road, West Street, Lake Avenue, Lake Avenue Extension and Mill Plain Road to the boundary line between the City of Danbury and the State of New York being the point or place of beginning.

(Code 1961, § 2-4.3; Ord. No. 459, 2-22-1993; Ord. No. 576, 8-6-2002; Ord. No. 600, 7-1-2003; Ord. No. 2, § 2-4.3, 5-7-2013)

Chapter 9

RESERVED



Chapter 10

EMERGENCY MANAGEMENT, CIVIL PREPAREDNESS AND EMERGENCY SERVICES*

Article I. In General

Secs. 10-1—10-18. Reserved.

Article II. Civil Preparedness Department

Sec. 10-19. Officers of department.
Sec. 10-20. Duties of Director.
Sec. 10-21. Divisions.
Sec. 10-22. Civil Preparedness Advisory Council.
Sec. 10-23. Loyalty oath.
Secs. 10-24—10-49. Reserved.

Article III. Alarm System Regulations

Sec. 10-50. Definitions.
Sec. 10-51. Penalty.
Sec. 10-52. Purpose and intent.
Sec. 10-53. Registration and permitting.
Sec. 10-54. Installation and response.
Sec. 10-55. False alarms—Errors, mistakes or malfunctions; penalty.
Sec. 10-56. Same—Intentional; penalty.
Sec. 10-57. Failure to pay fees or fines.
Sec. 10-58. Regulations.
Sec. 10-59. Hearings.
Sec. 10-60. Liability.

*State law reference—Civil preparedness and emergency services, C.G.S. § 28-1 et seq.

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ARTICLE I. IN GENERAL

Secs. 10-1—10-18. Reserved.

ARTICLE II. CIVIL PREPAREDNESS DEPARTMENT*

Sec. 10-19. Officers of department.

The Civil Preparedness Department shall consist of an Advisory Council and a Director appointed by the Mayor as well as such other officers, employees and volunteers appointed, employed or selected by the Mayor according to law.

(Code 1961, § 6A-1; Ord. No. 48, § 150.1, 12-7-1965; Ord. No. 148, 3-3-1970)

Sec. 10-20. Duties of Director.

The Director shall have the responsibility in addition to such other duties as may from time to time be assigned him by the Mayor or the City Council, of coordinating on a day to day basis all of the various divisions of the Civil Preparedness Department including without limitation, the administration, training and operation of the department subject to the direction and control of the Mayor.

(Code 1961, § 6A-1.1; Ord. No. 148, 3-3-1970)

Sec. 10-21. Divisions.

The divisions of the department shall consist of the following:

- (1) Fire-rescue.
- (2) Warning and communications.
- (3) Emergency medical.
- (4) Health and sanitation.
- (5) Chemical-biological-radiological detection.
- (6) Supply and engineering.
- (7) Economic requirements and controls.

*State law references—Civil preparedness, C.G.S. § 28-1 et seq.; local organizations for civil preparedness required, C.G.S. § 28-7;

- (8) Such other divisions as may be deemed essential by the State Emergency Operations Plan or the City of Danbury Emergency Operations Plan.

(Code 1961, § 6A-2; Ord. No. 48, 12-7-1965)

Sec. 10-22. Civil Preparedness Advisory Council.

(a) *Composition.* The Advisory Council shall consist of the following:

- (1) Heads of each City department.
- (2) Representatives of the local public utility company and the local telephone company.
- (3) Representative of the local newspaper.
- (4) Representative of the local radio station.
- (5) Representative of the local chapter of American Red Cross.
- (6) Representatives of various religious denominations.
- (7) Superintendent of public schools.
- (8) Representative of the Danbury Medical Association.
- (9) Administrator of the Danbury Hospital.

(b) *Duties.* The duties of the Advisory Council shall be in an advisory capacity to the Chief Executive and the Civil Defense Preparedness Director with respect to policy of the Civil Defense Preparedness Department.

(Code 1961, §§ 6A-8, 6A-9; Ord. No. 48, §§ 150.8, 150.9, 12-7-1965)

Sec. 10-23. Loyalty oath.

Each civil preparedness officer, employee or volunteer, before assuming his duties and annually thereafter, shall take and subscribe to the state loyalty oath, as prescribed in C.G.S. § 28-12.

(Code 1961, § 6A-6; Ord. No. 48, § 150.6, 12-7-1965)

Secs. 10-24—10-49. Reserved.

ARTICLE III. ALARM SYSTEM REGULATIONS*

Sec. 10-50. Definitions.

The following definitions shall apply in the interpretation and enforcement of this article:

Alarm Administrator means the Director of Finance of the City of Danbury and shall have all of the powers and duties granted pursuant to the provisions of this article.

Alarm system or system means any assembly of equipment, mechanical or electrical, arranged to signal the occurrence of a fire or an illegal entry or other activity requiring urgent attention to which emergency service personnel are expected to respond.

Burglar alarm means any assembly of equipment, mechanical or electrical, arranged to signal the occurrence of an illegal entry or other activity requiring urgent attention to which police are expected to respond.

Central station alarm monitoring service means an office to which remote alarm devices transmit signals where operators monitor those signals and relay information to the departments.

Contractor means any person in the business of installing or servicing the alarm systems.

Department means, with respect to fire alarm systems, the Fire Department; and, with respect to burglar alarm systems, the Police Department.

Emergency service personnel means, with respect to fire alarms, members of the Danbury Fire Department; with respect to burglar alarms, members of the Danbury Police Department.

False alarm.

- (1) *Error or mistake.* Any action by any person owning, leasing, operating or controlling an alarm system installed in any dwelling, building or place, or any action by an agent or employee of said

*State law references—Authority to regulate alarm systems, C.G.S. § 7-148(c)(7)(H)(xiv); automatic telephone alarms, C.G.S. § 7-282b; false alarms, C.G.S. § 53a-180.

person that results in the unintentional activation of an alarm system when no emergency exists.

- (2) *Malfunction.* Any unintentional activation of any alarm system caused by a flaw in the design or installation of, or the improper maintenance of, the alarm system. This shall not include any activation caused by violent conditions of nature or other extraordinary circumstances, not reasonably subject to the control of the owner of the system.

- (3) *Intentional misuse.* Any intentional activation of an alarm system when no emergency exists.

Fire alarm means any assembly of equipment, mechanical or electrical, arranged to signal the occurrence of a fire other activity requiring urgent attention to which fire personnel are expected to respond.

Person does not include the City or the Danbury Board of Education.
(Code 1961, § 3A-26; Ord. No. 624, 6-2-2004)

Sec. 10-51. Penalty.

Except as otherwise provided in this article, any person who violates any of the provisions of this article shall be subject to a fine of one hundred dollars (\$100.00) per occurrence.
(Code 1961, § 3A-35; Ord. No. 624, 6-2-2004)

State law reference—Penalties for ordinance violations, C.G.S. § 7-148(c)(10)(A).

Sec. 10-52. Purpose and intent.

The proliferation of burglar and fire alarm systems to which the Danbury Police and Fire Departments are required to respond has imposed an increasing burden on said departments. The improper installation, use and maintenance of said systems are creating a hazard to the members of said departments and to the general public. The purpose of this article is to regulate the use of said alarm systems and to reduce the incidence of false alarms.

(Code 1961, § 3A-25; Ord. No. 624, 6-2-2004)

Sec. 10-53. Registration and permitting.

(a) No alarm system shall be placed in service after installation in any dwelling, business or place within the City of Danbury until said alarm has been registered with the Alarm Administrator and a permit for said system issued. Annual alarm system permits may be obtained by completion of a registration form provided by the Alarm Administrator and payment of a permit and monitoring fee of twenty dollars (\$20.00) for residential alarm systems and seventy dollars (\$70.00) for nonresidential alarm systems. Permits shall expire on December 31 of every year unless renewed. Any organization that has been recognized as exempt from the payment of federal income taxes by the Internal Revenue Service shall not be subject to the permit and monitoring fee provisions hereof.

(b) Each central station alarm monitoring service that plans to transmit signals to the Police or Fire Departments shall register with the Alarm Administrator before doing so. Annual central station alarm monitoring service permits may be obtained by completion of a registration form provided by the Alarm Administrator and payment of a permit fee of seventy dollars (\$70.00).

(c) Each contractor shall register with the Alarm Administrator. Annual contractor permits may be obtained by completion of a registration form provided by the Alarm Administrator and payment of a permit fee of seventy dollars (\$70.00).

(d) Alarm system registration shall be accomplished by filing an application form with the Alarm Administrator, including, but not limited to, such information concerning the identity of the applicant, the alarm owner and user, any alarm system contractors and the nature of the proposed alarm system, as the Alarm Administrator may require. Central station alarm monitoring service registration shall also include disclosure of the form of its business entity, its principal place of business, the location of its monitoring office, the level of its staffing devoted to monitoring alarms, and its Danbury customer list. Contractor registration shall also include disclosure of the form of its business entity, its principal place of business, the manufacturers and types of equipment that

it intends to install, the manufacturers and types of equipment that it is qualified to service and its Danbury customer list. It shall be the responsibility of each permit holder to notify the Alarm Administrator in writing within ten (10) days of any change in registration information. (Code 1961, § 3A-27; Ord. No. 624, 6-2-2004)

Sec. 10-54. Installation and response.

(a) Any person causing any alarm system to be installed shall, prior to placing such alarm in service, post with the Police Department in the case of a burglar alarm and with the Fire Department in the case of a fire alarm a list containing the names, addresses and telephone numbers of at least two (2) persons who shall have access to said building and alarm system and the knowledge and ability to make said system secure in case of activation. They shall also post the name, address and telephone number of any person, firm or corporation responsible for servicing the alarm system.

(b) When any alarm system is activated, emergency service personnel shall respond to the alarm and notify the person or persons listed in subsection (a) of this section. Within thirty (30) minutes of notification said person shall go to the place where the alarm is sounding to meet the emergency service personnel, secure the building and reset the alarm.

(c) Should any person responsible for any alarm system, when notified of its activation, refuse to respond pursuant to subsection (b) of this section, emergency service personnel on the scene shall check the property thoroughly and secure the location as much as possible. Emergency service personnel shall not be required to make any further responses to that building, dwelling or place until such time as said alarm system has been properly reset.

(d) If any dwelling, building or place is required by law to maintain a fire alarm system, as herein defined, and if said alarm system fails to function and cannot be returned to service within a reasonable time, and if, in the opinion of the Chief of the Fire Department, the absence of a properly functioning alarm system may pose a threat to life and property, the Chief of the

department may require the special duty assignment of one (1) or more firefighters to patrol the premises until the alarm system has been returned to service. The cost of any special duty assignment shall be the responsibility of the alarm system permit holder. Payment for such special duty services shall be made at such rates and in accordance with such terms as are established pursuant to the collective bargaining agreement then in effect between the City of Danbury and Local 801, IAFF, AFL-CIO. (Code 1961, § 3A-28; Ord. No. 624, 6-2-2004)

Sec. 10-55. False alarms—Errors, mistakes or malfunctions; penalty.

(a) No alarm system shall be activated by error, mistake or malfunction in any dwelling, building or place when no emergency exists which results in the response of emergency service personnel.

(b) The following fines shall be levied upon any person owning or operating an alarm system for activation of said system by error, mistake or malfunction, as the case may be, in violation of subsection (a) of this section:

- (1) Two (2) such false fire alarms may occur in any calendar year without the imposition of a penalty.
- (2) The third false alarm and every subsequent false alarm any calendar year shall result in a fine in the amount of one hundred dollars (\$100.00) per incident. In addition, such person shall be responsible for and shall bear the expense of responding to any such false alarm. Said expense shall be determined by the Chief of the responding department and the Alarm Administrator and billed to the responsible party; provided, however, that no such charges, exclusive of any penalty imposed, shall exceed one hundred fifty dollars (\$150.00) per response.

(Code 1961, § 3A-29; Ord. No. 624, 6-2-2004)

Sec. 10-56. Same—Intentional; penalty.

(a) No person shall knowingly or intentionally activate any alarm system when no emergency situation exists.

(b) No person shall knowingly or intentionally test, repair, adjust, alter or perform maintenance on an alarm system, or cause the same to be tested, repaired, adjusted, altered or maintained, if such action could result in a false alarm without first notifying the department of such test, repair, adjustment, alteration or maintenance and receiving approval for same. Said department shall be notified immediately upon completion of any such test, repair, adjustment, alteration or maintenance. The Chief of said department may restrict or refuse to permit the testing, repair, adjustment, alteration or maintenance of an alarm system if such testing, repair, adjustment, alteration or maintenance could result in a false alarm when such restriction or refusal is necessary due to manpower limitations.

(c) Any person who violates subsections (a) or (b) of this section shall be fined one hundred dollars (\$100.00) and, where applicable, may additionally be subject to prosecution under the Connecticut General Statutes for falsely reporting an incident. In addition, such person shall be responsible for and shall bear the expense of responding to any such false alarm. Said expense shall be determined by the Chief of the appropriate department and the Director of Finance of the City and billed to the responsible party; provided, however, that no such charges, exclusive of any penalty imposed, shall exceed one hundred fifty dollars (\$150.00) per response.

(Code 1961, § 3A-30; Ord. No. 624, 6-2-2004)

Sec. 10-57. Failure to pay fees or fines.

If any person fails to pay any fee or fine established or levied in accordance with the provisions of this article within sixty (60) days, such person shall be subject to a late fee of twenty-five dollars (\$25.00). Interest shall accrue at the rate of one and one-half (1½) percent per month on all fines and charges outstanding for periods in excess of thirty (30) days.

(Code 1961, § 3A-31; Ord. No. 624, 6-2-2004)

Sec. 10-58. Regulations.

(a) No alarm system shall be installed until the plans and specifications relating to said alarm system have been approved by the Chief of

the appropriate department. Such approval shall be given upon a showing that the plans and specifications comply with all applicable state laws and rules and City ordinances. The Chief of each department, either personally or through a designated representative, shall have the right at all reasonable times to inspect any alarm system within his jurisdiction.

(b) The location of all alarm system components shall be provided on a floor plan to be kept at the site of the alarm system in or adjacent to the alarm system panel.

(c) Except with respect to one- and two-family residences, prior to the issuance of a permit pursuant to the provisions of section 10-53, the permit applicant shall install a lock box at the site of the alarm system. Prior to placing the alarm system in service, both the lock box and its placement shall be approved by the department. Said lock box shall contain keys to the structure served by the alarm system. In addition, the lock box shall contain a list of all hazardous substances present on the site in significant quantities. As used herein, the terms "hazardous substances" and "significant quantities" shall be defined in accordance with the provisions of section 12-134.

(d) Unless required by law, no alarm system that produces an exterior audible signal shall be installed unless its operation is automatically restricted to a maximum of thirty (30) minutes. Any exterior audible alarm system in use as of the effective date of the ordinance from which this article is derived must comply with this section within one hundred twenty (120) days of such date.

(e) Permits issued hereunder shall be nontransferable.
(Code 1961, § 3A-32; Ord. No. 624, 6-2-2004)

Sec. 10-59. Hearings.

(a) Any person receiving an order or notice of violation pursuant to the provisions of this chapter may contest said order or notice at a hearing before an Alarm Systems Hearing Officer. All demands for a hearing must be made in writing and delivered in person or by mail no later than ten (10) days following receipt of the order or

notice of violation. Any person requesting a hearing shall be given written notice of the date, time; and place of the hearing. Such hearing shall be held not less than fifteen (15) days, nor more than thirty (30) days, from the date of the mailing of notice; provided, the Hearing Officer shall grant upon good cause shown any reasonable request by any interested party for postponement or continuance. The presence of the issuing officer shall be required at the hearing if such person so requests. A person wishing to contest an order or notice of violation shall appear at the hearing and shall have the right to present evidence and cross-examine witnesses. A designated City official, other than the Hearing Officer, may present evidence on behalf of the City. The Hearing Officer shall conduct the hearing in order and form and with such methods of proof, as he deems fair and appropriate. The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation. The Hearing Officer shall announce his decision at the end of the hearing.

(b) The Mayor shall appoint, and the City Council shall confirm, two (2) or more Hearing Officers, other than Police Officers or Firefighters, to conduct the hearings authorized by this section. All such officers shall serve for a term of two (2) years.
(Code 1961, § 3A-33; Ord. No. 624, 6-2-2004)

Sec. 10-60. Liability.

(a) The City shall be under no duty or obligation to maintain a dispatch panel, communication console receiving module or other specialized equipment for the monitoring of alarm systems. The installation and maintenance of alarm systems permitted by this article shall be made at no cost to the City.

(b) No liability whatsoever is assumed by the City of Danbury for the failure of such alarm systems or monitoring facilities or for failure to respond to alarms, or for any other act or omission in connection with such alarm systems. Each alarm system permit holder shall be deemed to hold and save harmless the City, its depart-

ments, officers, agents and employees from liability in connection with the permit holder's alarm system.

(Code 1961, § 3A-34; Ord. No. 624, 6-2-2004)

Chapter 11

RESERVED



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Chapter 12

ENVIRONMENT AND NATURAL RESOURCES*

Article I. In General

- Sec. 12-1. Penalty for violation of Inland Wetlands and Watercourses Regulations.
- Secs. 12-2—12-20. Reserved.

Article II. Conservation Commission

- Sec. 12-21. Established.
- Sec. 12-22. Composition; appointment, removal of members; election of Chairperson.
- Sec. 12-23. Compensation.
- Secs. 12-24—12-49. Reserved.

Article III. Environmental Impact Commission

- Sec. 12-50. Established.
- Sec. 12-51. Members.
- Sec. 12-52. Functions.
- Sec. 12-53. Intergovernmental relations.
- Secs. 12-54—12-79. Reserved.

Article IV. Aquifer Protection Agency

- Sec. 12-80. Designated.
- Sec. 12-81. Membership, term, selection, vacancies.
- Sec. 12-82. Functions.
- Secs. 12-83—12-107. Reserved.

Article V. Lake Kenosia Commission

- Sec. 12-108. Established.
- Sec. 12-109. Members.
- Sec. 12-110. Functions.
- Secs. 12-111—12-133. Reserved.

Article VI. Hazardous Substances and Hazardous Chemicals

- Sec. 12-134. Hazardous substances defined.
- Sec. 12-135. Penalty for noncompliance.
- Sec. 12-136. Statement of purpose.
- Sec. 12-137. Construction and application of provisions.
- Sec. 12-138. Compliance with article provisions.
- Sec. 12-139. Inspection for compliance.
- Sec. 12-140. Emergency response plan.
- Sec. 12-141. Identification of locations of hazardous substance storage areas.
- Sec. 12-142. Revision of emergency response plan.
- Sec. 12-143. Affidavit as to truth and accuracy of plan required.
- Secs. 12-144—12-169. Reserved.

*State law reference—Environmental protection, C.G.S. § 22a-1 et seq.

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Article VII. Underground or Outdoor Storage of Fuel Oil or Chemicals

- Sec. 12-170. Definitions.
- Sec. 12-171. Registration.
- Sec. 12-172. Underground or outdoor petroleum or hazardous material storage in Class I watershed areas.
- Sec. 12-173. Underground or outdoor petroleum or hazardous material storage in Class II watershed area.
- Secs. 12-174—12-200. Reserved.

Article VIII. Danbury Still River Alliance Commission

- Sec. 12-201. Created; purpose; membership; functions.

ARTICLE I. IN GENERAL

Sec. 12-1. Penalty for violation of Inland Wetlands and Watercourses Regulations.

Pursuant to the provisions of C.G.S. § 22a-42g, the City of Danbury does hereby establish a fine of one hundred dollars (\$100.00) for the violation of any provision of the Inland Wetlands and Watercourses Regulations of the City of Danbury. For proposes hereof, each day that any such violation continues shall be deemed to be separate offense.

(Code 1961, § 12-15; Ord. No. 532, 8-4-1998)

Secs. 12-2—12-20. Reserved.

ARTICLE II. CONSERVATION COMMISSION*

Sec. 12-21. Established.

Pursuant to C.G.S. § 7-131a, a Conservation Commission is hereby established for the development and the conservation of natural resources, including water resources, in the City. The Commission shall have all the rights and powers conferred upon it pursuant to the General Statutes of Connecticut.

(Code 1961, § 2-56.6; Ord. of 5-4-1964, § 1; Ord. No. 5, 8-6-2013)

Sec. 12-22. Composition; appointment, removal of members; election of Chairperson.

(a) The Commission shall consist of seven (7) members, who are electors of said municipality, to be appointed for terms of three (3) years.

(b) Three (3) alternates to the Commission shall be appointed by the chief executive officer of the Municipality and confirmed by the City Council. The alternate members shall, when seated, have all the powers and duties of a member of the Commission. The alternate members shall serve for two (2) years.

*State law reference—Conservation commissions, C.G.S. § 7-131a.

(c) The chief executive officer may remove any member or alternate for cause and fill any vacancy for an unexpired term. Each member and alternate shall serve until his or her successor is duly appointed and qualified.

(d) The Conservation Commission shall elect its own Chairperson.

(Code 1961, § 2-56.8; Ord. of 5-4-1964, § 3; Ord. No. 5, 8-6-2013)

Sec. 12-23. Compensation.

The members of the Conservation Commission shall serve without salary.

(Code 1961, § 2-56.9; Ord. of 5-4-1964, § 4; Ord. No. 5, § 2-56.9, 8-6-2013)

Secs. 12-24—12-49. Reserved.

ARTICLE III. ENVIRONMENTAL IMPACT COMMISSION†

Sec. 12-50. Established.

There shall be an Environmental Impact Commission established in accordance with as the Inland Wetlands and Watercourses Act (C.G.S. § 22a-36 et seq.).

Code 1961, § 2-56.11(a); Ord. No. 179, § F, 10-3-1972; Ord. No. 212, 3-2-1976; Ord. No. 297, 5-3-1983; Ord. No. 311, 9-5-1984)

State law reference—Inland wetlands agency required, C.G.S. § 22a-42.

Sec. 12-51. Members.

(a) *Composition.* The Environmental Impact Commission shall consist of seven (7) members. All Commission members shall be electors of the City of Danbury appointed by the Mayor and confirmed by the City Council. Not more than five (5) members of the Commission shall be members of the same political party.

(b) *Terms of office.* The terms of office of the members of the board shall be three years.

†State law reference—Inland Wetlands and Watercourses Act, C.G.S. § 22a-36 et seq.

(c) *Vacancies.* Any vacancy in the membership of said board which may occur through death, resignation or otherwise shall be filled by the Mayor with the approval of the City Council for the unexpired portion of the term.

(d) *Alternates:*

(1) In addition to the regular members appointed by the Mayor and approved by the City Council, there shall be three (3) alternates to said Commission, who shall be electors of the City of Danbury and who shall be appointed by the Mayor and subject to approval by the City Council who, when seated as provided herein, shall have all the powers and duties as provided by law. If a regular member of the Commission is absent, he may designate in writing an alternate member of such Commission to act in his place. If he fails to make such designation, or if he is disqualified, the Chairperson of the Environmental Impact Commission shall designate an alternate to act, choosing alternates in rotation so that they shall act as nearly equal a number of times as possible. If any alternate is not available in accordance with such rotation, such fact shall be recorded in the minutes of the meeting.

(2) The terms of office of all alternates shall be for three (3) years.

(Code 1961, § 2-56.11(c)—(e), (g); Ord. No. 179, § F, 10-3-1972; Ord. No. 212, 3-2-1976; Ord. No. 297, 5-3-1983; Ord. No. 311, 9-5-1984)

Sec. 12-52. Functions.

The Environmental Impact Commission shall have all the powers and responsibilities authorized under the Inland Wetlands and Watercourses Act (C.G.S. § 22a-36 et seq.).

Code 1961, § 2-56.11(b); Ord. No. 179, § F, 10-3-1972; Ord. No. 212, 3-2-1976; Ord. No. 297, 5-3-1983; Ord. No. 311, 9-5-1984)

Sec. 12-53. Intergovernmental relations.

The Environmental Impact Commission shall have the cooperation of all departments, boards and agencies of the City in the performance of its

duties, and all City Officials shall supply the Commission with all information and reports requested in order that the responsibilities of this Commission may be fulfilled.

Code 1961, § 2-56.11(f); Ord. No. 179, § F, 10-3-1972; Ord. No. 212, 3-2-1976; Ord. No. 297, 5-3-1983; Ord. No. 311, 9-5-1984)

Secs. 12-54—12-79. Reserved.

ARTICLE IV. AQUIFER PROTECTION AGENCY*

Sec. 12-80. Designated.

Pursuant to the provisions of C.G.S. § 22a-354a, the City of Danbury does hereby authorize the Danbury Planning Commission to act as the Danbury Aquifer Protection Agency.

(Code 1961, § 2-48(a); Ord. No. 404, 11-8-1990)

Sec. 12-81. Membership, term, selection, vacancies.

The regular and alternate members of said agency shall be the regular and alternate members of the Planning Commission, duly appointed by the Mayor and confirmed by the City Council, and as such shall serve for terms established in section 34-21. Vacancies occurring in the office of any regular member shall be filled by the remaining members of the agency for the unexpired portion of the term. Vacancies occurring in the office of an alternated shall be filled by the Mayor for the unexpired portion of the term and approved by the City Council.

(Code 1961, § 2-48(b); Ord. No. 404, 11-8-1990)

Sec. 12-82. Functions.

The Danbury Aquifer Protection Agency shall have all the powers and duties conferred upon any such agency by virtue of the provisions of state law.

(Code 1961, § 2-48(a); Ord. No. 404, 11-8-1990)

Secs. 12-83—12-107. Reserved.

*State law references—Aquifer protection, C.G.S. § 22a-354a et seq.; municipal aquifer protection agencies, C.G.S. § 22a-354a.

**ARTICLE V. LAKE KENOSIA
COMMISSION****Sec. 12-108. Established.**

There is hereby established by the City Council the Lake Kenosia Commission.
(Code 1961, § 2-56.16(a); Ord. No. 358, 11-5-1987)

Sec. 12-109. Members.

The Lake Kenosia Commission consisting of seven (7) members appointed by the Mayor and subject to confirmation by the City Council. Each of said Commissioners shall serve without compensation and shall be electors of the City of Danbury. Members shall be appointed for terms of three (3) years. All members shall serve until their successors have been appointed and the appointments have been confirmed by the City Council. Vacancies occurring otherwise than by the expiration of a term of office shall be filled by Mayoral appointment and City Council confirmation. Such appointments shall be effective for the unexpired portion of the term.
(Code 1961, § 2-56.16(a); Ord. No. 358, 11-5-1987)

Sec. 12-110. Functions.

The Lake Kenosia Commission shall evaluate and monitor the environmental needs and conditions of Lake Kenosia and make recommendations to the City Council regarding necessary lake protection programs to abate algae and aquatic weed growth as well as existing and potential sources of pollution, conduct water quality management studies, establish educational programs and disseminate information regarding the care, preservation and protection of the lake by area residents and the public.
(Code 1961, § 2-56.16(b); Ord. No. 358, 11-5-1987)

Secs. 12-111—12-133. Reserved.

**ARTICLE VI. HAZARDOUS SUBSTANCES
AND HAZARDOUS CHEMICALS*****Sec. 12-134. Hazardous substances defined.**

For the purpose of this article, the term "hazardous substances" is defined as those substances identified by the U.S. Environmental Protection Agency in Table 117.3 as listed in 40 CFR 117.3 (1981), as amended. The amount of any hazardous substance which shall constitute a "significant quantity," as that term is used herein, is equivalent to the "reportable quantity" of such substance as listed in said Table 117.3. Additionally, the term "hazardous substances," as used herein, includes oil and oil-based derivatives as listed in 40 CFR 112.2 (1981). As used herein, the term "significant quantity" of oil or oil-based derivatives is equivalent to the "reportable quantity" of such substances as listed in 40 CFR 112.1(d)(i)(1981) and 40 CFR 112.1(d)(ii)(1981).
(Code 1961, § 9-74; Ord. No. 289, 12-7-1982)

Sec. 12-135. Penalty for noncompliance.

Any person, firm, partnership, corporation or other entity required to report hereunder who does not comply with the provisions hereof within thirty (30) days of the required reporting date shall be subject to the penalties provided for in section 1-8 hereof.
(Code 1961, § 9-73; Ord. No. 289, 12-7-1982)

Sec. 12-136. Statement of purpose.

The purpose of this article is to provide a continuing source of current information concerning hazardous substances and chemicals being utilized in the City of Danbury to protect the general health and safety of the public and to enable emergency personnel to respond safely and speedily to emergency situations which may arise.
(Code 1961, § 9-66; Ord. No. 289, 12-7-1982)

*State law reference—Hazardous substances, C.G.S. § 21a-335 et seq.

Sec. 12-137. Construction and application of provisions.

(a) Nothing herein shall be construed to require disclosure of information which is deemed confidential or constituting a trade secret.

(b) This article shall not be construed to interfere in any way with federal, state or local laws, ordinances or regulations.

(Code 1961, § 9-75; Ord. No. 289, 12-7-1982)

Sec. 12-138. Compliance with article provisions.

Any person or entity that begins storing, using, mixing or producing a significant quantity of a hazardous substance within the corporate limits of the City of Danbury shall comply with the provisions hereof prior to commencement of such activity.

(Code 1961, § 9-68; Ord. No. 289, 12-7-1982)

Sec. 12-139. Inspection for compliance.

The Director of Health or his designee shall annually inspect any sites where hazardous substances are stored, used, mixed or produced and shall issue a certificate of compliance with respect to all sites found to be in compliance with the provisions of this article. The fee for such certificate shall be one hundred dollars (\$100.00). In addition to the foregoing, the Director of Health or his designee may inspect any such sites at such other times as he shall deem advisable in order to ensure compliance with the provisions hereof.

(Code 1961, § 9-69; Ord. No. 289, 12-7-1982; Ord. No. 462, 5-4-1993; Ord. No. 592, 1-21-2003)

Sec. 12-140. Emergency response plan.

(a) *Required.* Any person or entity storing, using, mixing or producing a significant quantity of a hazardous substance or substances as referred to in section 12-134 within the corporate limits of the City of Danbury shall, prior to engaging in such activity, submit as to such person or entity an emergency response plan to the Director of Health, which shall include the following elements:

- (1) A map of the site showing the buildings thereon which shall describe hazardous substance storage areas and indicate their exact location;

- (2) A hazard identification and emergency action statement, including material safety data sheets associated with each hazardous substance storage area on the site. Such statements shall also include a concise procedure for responding to emergency situations in each storage area;
- (3) A procedure for the submitters for reporting fires, chemical spills, oil spills or other emergency situations, including procedures for notifying the police, fire, health and civil preparedness departments of the City of Danbury;
- (4) A fire response plan, as required by OSHA, identifying the level of fire response which shall be implemented by personnel, as outlined in 29 CFR 1910(L) (1981);
- (5) An evacuation plan including a list of those persons who are trained in the implementation of a response plan and in the supervision of evacuation procedures. Additionally, the plan shall include a system for accounting for all personnel in an evacuation; and
- (6) A spill prevention, control and countermeasure plan designed to prevent or minimize the release to the environment of any hazardous substance stored, used, mixed or produced on the site. This plan shall be based on types and quantities of hazardous substances which are on the site as well as the location and design of the major storage and use areas. The plan shall designate at least one (1) person, and an alternate, one of whom shall be on site during all working hours, and who shall be responsible for implementing the spill control procedures. The plan shall also specify construction features designed to control and contain spills from hazardous substance storage areas. These control features shall include one (1) or more of the following systems or their equivalents:
 - a. Dikes, berms or retaining walls which are sufficiently impervious to contain spills of hazardous substances;

- b. Weirs, booms, curbing or other barriers;
- c. Culverting, guttering or other drainage systems which lead to a contained impervious area;
- d. Sorbent materials;
- e. Sumps and collection ponds; and
- f. Retention ponds.

(b) *Implementation control plans.* Each spill prevention, control and countermeasure plan required hereunder shall be implemented within ninety (90) days of submission to the Director of Health.

(c) *Rejection of plans.* The Director of Health or his designee may reject any plan or plans found to be inappropriate when considering the types, quantities or locations of hazardous substances on the site. Each plan so rejected shall be revised and resubmitted to the Director of Health within thirty (30) days of rejection. (Code 1961, § 9-67; Ord. No. 289, 12-7-1982)

Sec. 12-141. Identification of locations of hazardous substance storage areas.

Each submitter of emergency response plans shall identify the locations of their hazardous substance storage areas using the NFPA 704m marking system. (Code 1961, § 9-70; Ord. No. 289, 12-7-1982)

Sec. 12-142. Revision of emergency response plan.

In the event of a change in the design or location of hazardous substance storage areas, a change in the type of hazardous substances being stored, used, mixed or produced on a site or an increase in the amount of any hazardous substance being stored, used, mixed or produced on a site by an amount equivalent to a reportable quantity as referred to in section 12-134 for which an emergency response plan has been submitted, the plan shall be revised, resubmitted and implemented within thirty (30) days of any such change. (Code 1961, § 9-71; Ord. No. 289, 12-7-1982)

Sec. 12-143. Affidavit as to truth and accuracy of plan required.

The emergency response plan shall be submitted together with an affidavit on a form provided by the Director of Health as to the truth and accuracy of the plan. This affidavit shall be signed under penalty of false statement by the person or, in the case of an entity, a duly authorized representative of the firm, partnership, corporation or other entity required to report hereunder.

(Code 1961, § 9-72; Ord. No. 289, 12-7-1982)

Secs. 12-144—12-169. Reserved.

ARTICLE VII. UNDERGROUND OR OUTDOOR STORAGE OF FUEL OIL OR CHEMICALS*

Sec. 12-170. Definitions.

Except where the context clearly indicates otherwise, the words and phrases used in this article and listed in this section shall be defined as follows:

Cathodically protected means a technique to prevent the corrosion of a metal surface by making that surface the cathode of an electrochemical cell. For example, a tank system can be cathodically protected through the application of either galvanic anodes or impressed current.

Class I watershed area means the land located within public water supply watersheds within the City but excluding Lake Kenosia.

Class II watershed area means the land located within the City and also located within the public water supply watershed of Lake Kenosia.

Compatible metals means two (2) or more metallic substances used in the construction of a tank system and having the ability to maintain their respective physical and chemical properties upon contact with each other for the design life of the system.

*State law reference—Nonresidential underground tank storage systems, C.G.S. § 22a-449.

Dielectric component means a component that does not conduct direct electrical current. Dielectrical coatings are used to electrically isolate UST systems from the surrounding soils. Dielectrical bushings are used to electrically isolate portions of the UST system, such as the tank from its piping.

Discharge means the rupture of any tank system which results in an accumulation of petroleum or hazardous materials, in the secondary containment area or which results in contact of these substances with the surface of the ground beyond the containment area.

Environmentally sensitive area means the land located within a public water supply watershed protection zone which has one (1) or more of the following characteristics:

- (1) Areas located within two hundred fifty (250) feet of the high-water mark of a reservoir;
- (2) Areas located within one hundred (100) feet of any wetland or watercourse, as defined in sections 2.32 and 2.33 of the Inland Wetlands and Watercourses Regulations of the City, which drains into a reservoir;
- (3) Wetlands; and
- (4) Areas with slopes fifteen (15) percent or greater which have a soil depth of twenty (20) inches or less to bedrock.

Hazardous materials means any substance or combination of substances which, because of quantity, concentration, or physical, chemical or infectious characteristics, pose a present or potential hazard to soil, groundwater, surface water, atmosphere, wildlife, vegetation or human health if discharged, placed or disposed of into or onto any land or water within the municipal boundaries of the City. The phrase "hazardous materials" includes, but is not limited to, any of the following chemical substances:

- (1) Any substance on the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA)

hazardous substances list (40 CFR 355.20), as the same may be amended from time to time;

- (2) Any substance on the Superfund Amendments and Reauthorization Act of 1986 (SARA) list of extremely hazardous substances (40 CFR 355), as the same may be amended from time to time;
- (3) Any hazardous chemicals, as defined by the Federal Occupational Safety and Health Administration pursuant to the Hazardous Communication Act (29 CFR 1910.1200), as the same may be amended from time to time;
- (4) Any substance appearing on the toxic chemicals list promulgated pursuant to SARA (40 CFR 372.45), as the same may be amended from time to time;
- (5) Any substance appearing on the hazardous substance list promulgated by the Federal Department of Transportation (40 CFR 172.101), as the same may be amended from time to time; and
- (6) Any hazardous substance as defined pursuant to section 12-134, as the same may be amended from time to time.

Impervious surface means any surface which prevents or greatly inhibits the infiltration of liquid into the underlying soil. For purposes of this article, stone or gravel shall not be deemed to be impervious.

Petroleum means crude oil or any fraction thereof that is liquid at standard conditions of temperature and pressure. The term "petroleum" includes, but is not limited to, motor fuels, gasoline, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents and used oils.

Public water supply watershed means any land which drains into a reservoir used for the provision of potable water.

Secondary containment means an area surrounding the storage tank system which is designed to temporarily hold the entire volume of the tank system plus sufficient freeboard for precipitation. This area shall contain a dike

which is sufficiently impervious to spilled substances to prevent any infiltration of petroleum or hazardous materials to the ground surface below it.

Tank system means any facilities used to store petroleum or hazardous materials or that is designed or intended for the storage of petroleum or hazardous materials including the tank itself and all piping connected to it.

Underground storage tank (UST) means a tank system located below the surface of the ground. For purposes of this article, a freestanding container located within a building and used to store fuel for heating purposes shall not be considered an underground storage tank. (Code 1961, § 9-80; Ord. No. 475, 9-8-1993)

Sec. 12-171. Registration.

The owner of any underground storage tank in a Class I or Class II watershed area shall register such tank and tank system with the Health and Human Services Department. At the time of registration, the owner shall provide the following information to the Health and Human Services Department on forms supplied by the department: name, address and telephone number of the owner and the size, type, contents, location and the year of manufacture of the tank. The owner of any such tank shall amend any registration form kept on file by the Health and Human Services Department within sixty (60) days of a change in the information contained on the form. (Code 1961, § 9-81; Ord. No. 475, 9-8-1993)

Sec. 12-172. Underground or outdoor petroleum or hazardous material storage in Class I watershed areas.

(a) *New installations of underground storage tanks.* The construction or installation of underground storage tanks shall only be permitted within a Class I watershed area if approved by the Director of Health and the Building Official. Such approval shall only be granted if the following conditions are met:

- (1) The underground storage tank must be protected by a secondary containment

structure consisting of a vault or a double-lined fiberglass tank or equivalent, as specified in 40 CFR 265.193.

- (2) The tank system must be installed with a leak-detection system as specified in 40 CFR 265.193.
- (3) The underground storage tank must be installed with a structural mechanism for spill and overfill protection as specified in 40 CFR 265.194.
- (4) The owner of the tank system must adhere to all notification and tank monitoring procedures specified in 40 CFR 265.196.

(b) *New installations of aboveground tank systems.* Outdoor aboveground tank systems may only be constructed or installed if they include a secondary containment area and a roof and sump. The design and construction of such secondary containment systems shall be subject to the review and approval of the Director of Health and the Building Official, or their respective designees.

(c) *Requiring replacement installations.* The Director of Health shall be authorized to issue an order directed to the owner of any underground storage tank which is found to be leaking or discharging its contents requiring such owner to empty the tank and thereafter replace it with an aboveground tank system within the period of time provided in such order. The Director of Health shall be authorized to issue an order directed to the owner of any aboveground tank system which is found to be leaking or discharging its contents requiring such owner to empty the tank and thereafter repair or replace the tank system within the period of time provided for in such order. Aboveground replacement tank systems shall be isolated from the external environment by a roofed secondary containment system. The period of time fixed for the repair or replacement of any such tank system shall be established by the Director of Health after an evaluation of the time necessary to complete the work as well as of any potential risks associated with the delay. The design and construction or installation of replacement of any such tank system and secondary containment system shall

be subject to the review and approval of the Director of Health and the Building Official, or their respective designees.
(Code 1961, § 9-82; Ord. No. 475, 9-8-1993)

Sec. 12-173. Underground or outdoor petroleum or hazardous material storage in Class II watershed area.

(a) *New and replacement installations.* New or replacement tank systems shall be permitted with the Class II watershed area, subject to the following conditions and restrictions:

- (1) Aboveground tank systems shall be protected by a roofed secondary containment system, or equivalent system, the design and construction of which has been reviewed and approved by the Director of Health and the Building Official, their respective designees.
- (2) The installation of a fiberglass tank and construction of its associated tank system shall only be permitted within the Class II watershed area if the same is constructed or installed in accordance with the specifications prepared by the manufacturer of the tank. All fiberglass tanks shall be replaced upon expiration of the manufacturer's warranty.
- (3) No underground storage tanks shall be constructed or installed within an environmentally sensitive area unless such tanks are placed in a concrete secondary containment area, the design and construction of which has been approved by the Director of Health, the Building Official and the Fire Marshal, or their respective designees.
- (4) The design and construction or installation of underground storage tanks or aboveground storage tank systems shall be subject to review and approval of the Director of Health and the Building Official or their respective designees. The design and construction or installation of any underground storage tank shall be subject to the further review and approval of the Fire Marshal.

(5) Cathodically protected steel tanks shall be permitted; provided, that they are protected by all of the following mechanisms:

- a. They shall be coated with a material which prevents contact of the tank with the external environment;
- b. Nonconductive dielectrical components shall be used to electrically isolate the tank;
- c. Compatible metals shall be used between the tank and its associated piping system. All cathodically protected steel tanks shall be replaced upon expiration of the manufacturer's warranty.

(b) *Requiring replacement installations.* The Director of Health shall be authorized to issue an order directed to the owner of any underground storage tank which is found to be leaking or discharging its contents requiring such owner to empty such tank and thereafter replace it with an aboveground tank system within the period of time provided for in such order. The Director of Health shall be authorized to issue an order directed to the owner of any aboveground tank system which is found to be leaking or discharging its contents requiring such owner to empty such tank and thereafter repair or replace the tank system within the period of time provided for in such order. Aboveground replacement tanks systems shall be isolated from the external environment by a roofed secondary containment system. The period of time fixed for the repair or replacement of any such tank system shall be established by the Director of Health after an evaluation of the time necessary to complete the work as well as of any potential risks associated with the delay. The design and construction or installation of replacement of any such tank system and secondary containment system shall be subject to the review and approval of the Director of Health and the Building Official, or their respective designees. The design and construction or installation of any underground storage tank shall be subject to the further review and approval of the Fire Marshal.

(Code 1961, § 9-83; Ord. No. 475, 9-8-1993)

Secs. 12-174—12-200. Reserved.

**ARTICLE VIII. DANBURY STILL RIVER
ALLIANCE COMMISSION**

**Sec. 12-201. Created; purpose; membership;
functions.**

(a) *Created.* There is hereby created the City of Danbury Still River Alliance Commission.

(b) *Purpose; duties.* Said commission shall perform essential functions related to nature conservancy and community outreach in a variety of capacities on behalf of City departments and citizens. Said commission's activities shall include, but are not limited to, maintaining the Still River Greenway and promoting it to the Danbury community through events and programs involving passive recreation, nature appreciation and environmental education, and to this end may be aided by financial donations.

(c) *Membership.* Said commission shall consist of ten (10) regular members, six (6) who shall be chosen from legal residents of the city, three (3) who shall be chosen from non-residents outside of the city and one (1) city official, for their knowledge, competence or experience in connection with nature conservancy, by the mayor subject to the approval of the city council.

(d) *Terms of office.* The terms of office for said members shall be as follows:

- (1) Four (4) members for a period of three (3) years each.
- (2) Three (3) members for a period of two (2) years each.
- (3) Three (3) members for a period of one (1) year.

Thereafter, at the expiration of the original term of office of each of the ten (10) original members, he or she may be reappointed or his or her successor shall be appointed for a term of three (3) years.

(e) *Receipt and disbursement of funds.* The said commission shall be authorized to receive and disburse local, state and federal funds and

private monies for purposes within the jurisdiction and authority of the commission in accordance with standard municipal fiscal procedures.

(f) *Other functions.* The said commission may undertake such other activities as deemed appropriate to recognize and encourage nature conservancy in the City of Danbury.

(g) *Staff.* The staff of the Department of Health and Human Services shall provide clerical support services to the commission.
(Ord. No. 7, 1-7-2014)



Chapter 13

RESERVED



Chapter 14

FIRE PROTECTION*

Article I. In General

Sec. 14-1. Sale, use of space heaters prohibited.
Secs. 14-2—14-20. Reserved.

Article II. Fire Department

Division 1. Generally

Sec. 14-21. Oath of members of Fire Department.
Secs. 14-22—14-45. Reserved.

Division 2. Full-Time Fire Department

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Sec. 14-46. Duties of the Fire Chief.
Sec. 14-47. Duties of Assistant Chiefs and others.
Sec. 14-48. Appointments to regular Fire Department.
Sec. 14-49. Promotions in regular department.
Sec. 14-50. Gratuities prohibited.
Sec. 14-51. Conduct of regular Firefighters while on duty.
Secs. 14-52—14-75. Reserved.

Subdivision II. Fire Marshal

Sec. 14-76. Duties.
Sec. 14-77. Records and reports.
Sec. 14-78. Failure to comply with orders.
Sec. 14-79. Inspections; fees for inspections.
Sec. 14-80. Plan review fees.
Secs. 14-81—14-103. Reserved.

Division 3. Volunteer Fire Companies

Sec. 14-104. Name, numerical designation and location of volunteer companies.
Sec. 14-105. Personnel and property of volunteer companies; release of members of volunteer fire companies from employment in emergencies.
Sec. 14-106. Fire police units.
Secs. 14-107—14-125. Reserved.

Article III. Outdoor Fires

Sec. 14-126. Definitions.
Sec. 14-127. Exemption.
Sec. 14-128. Nonliability of City and City officers, agents and employees.
Sec. 14-129. Regulations governing outdoor fires.

*State law references—Municipal police and fire protection, C.G.S. §§ 7-148(c)(4)(B), 7-274 et seq.; fire prevention generally, C.G.S. § 7-323j et seq.; state fire prevention code, C.G.S. § 29-291 et seq.



ARTICLE I. IN GENERAL

Sec. 14-1. Sale, use of space heaters prohibited.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Portable space heater means a space heater which when installed in a building is not firmly affixed in place by a rigid pipe connection or otherwise, is not permanently vented and is not permanently connected to a chimney, stack or flue.

(b) *Sale prohibited.* No person shall keep, store, sell or cause to be sold a portable space heater using kerosene oil or like fluid.

(c) *Use prohibited.* No person shall use, cause or allow to be used in any dwelling, whether the same is owned, occupied, leased or otherwise used by him, a portable space heater using oil or like fluid.

(d) *Certain act a violation.* For the purposes of this section it shall be deemed that a property owner has permitted the illegal use of a space heater, if, knowing that the premises are not centrally heated, he has failed to inform himself as to the legality of any heating apparatus used by the occupants of the property.

(e) *Penalty.* Every person who shall violate this section shall be subject to the penalty provided for in section 1-8.

(Code 1961, § 13-2; Ord. of 3-8-1962)

State law reference—Sale of unvented fuel-burning room heaters, C.G.S. § 29-318a.

Secs. 14-2—14-20. Reserved.

ARTICLE II. FIRE DEPARTMENT

DIVISION 1. GENERALLY

Sec. 14-21. Oath of members of Fire Department.

Before entering upon the discharge of the duties of his office, every member of the Fire

Department shall make an oath or affirmation before some competent authority that he will support the Constitution of the United States and of the State of Connecticut, and will faithfully discharge the duties of his office. Each regular paid Firefighter shall cause a certificate of his oath or affirmation to be lodged with the Town Clerk; and each Volunteer Firefighter with the proper officer of his own company for safekeeping at its headquarters.

(Code 1961, § 8-6; Ord. No. 57, 1-4-1966; Ord. No. 216, § 9, 3-1-1977)

Secs. 14-22—14-45. Reserved.

DIVISION 2. FULL-TIME FIRE DEPARTMENT*

Subdivision I. In General

Sec. 14-46. Duties of the Fire Chief.

(a) The duties of the Fire Chief are set out in section 6-10 of the Charter of the City of Danbury. He shall be in the overall command of the regular Fire Department at all times except when relieved from duty in accordance with law; and of the volunteer components also when at the scene of a fire, or in transit to and from the same, or when they are engaged in preparation and training for fighting fires.

(b) The Fire Chief shall have the management, custody, care and control, subject to the orders of the Mayor and City Council, of all the property of the City used by and in connection with the Fire Department, and shall be responsible for keeping the same in good order and repair, ready for immediate use.

(c) The Fire Chief shall report annually to the City Council, at its meeting in July giving an accurate and detailed list of all the property belonging to the City and used by or in connection with the Fire Department, and shall add thereto a general statement of the condition and affairs of said department.

(Code 1961, § 8-13; Ord. No. 57, 1-4-1966)

**State law reference*—Fire department, C.G.S. § 7-301 et seq.

Sec. 14-47. Duties of Assistant Chiefs and others.

(a) It shall be the duty of each Assistant Chief to assist the Fire Chief in the discharge of his duties, to be present at all fires during his tour of duty and to receive, communicate and cause to be executed all of the orders given by the Chief at the scene of a fire.

(b) In the absence of the Chief from the scene of a fire, his powers and duties shall devolve upon, first, the Assistant Chief on tour of duty at the time of the fire; second, the Assistant Chief responding from the off-shift; and third, the senior officer on tour of duty of the regular department who is present at the scene of a fire.

(c) In addition to his regular duties as Assistant Chief, he shall also be a Deputy Fire Marshal, and when the Fire Marshal is lawfully absent and he is assigned by the Fire Chief he shall assume all the duties and responsibilities of the Fire Marshal.

(Code 1961, § 8-14; Ord. No. 57, 1-4-1966)

Sec. 14-48. Appointments to regular Fire Department.

(a) No person shall be appointed as a permanent member of the regular Fire Department unless he shall be a United States citizen or has manifested an intention to become a United States citizen.

(b) Each applicant must have a high school diploma or an equivalent education certified by the State Board of Education.

(c) No person shall be appointed as a permanent member of the regular Fire Department unless he shall have reached his eighteenth (18th) birthday.

(d) Each applicant's vision shall be at least 20/50 in each eye, correctable to 20/20 in each eye.

(e) Each applicant shall have normal hearing without the use of any hearing aid or other device.

(f) Applications shall not be accepted from any person who has ever been convicted of a crime involving moral turpitude.

(g) Each applicant must pass a thorough physical examination, including an examination of physical agility as well as a psychiatric examination conducted by a physician or physicians or other qualified persons as designated by the City of Danbury.

(h) All appointments shall be for a probationary period of one (1) year, during which time every man so appointed shall successfully pass a course of training established by the Fire Chief of the City of Danbury, or such course of training as may be required by the statutes or regulations of the State of Connecticut. If any person fails to pass the course of training, he or shall not be appointed a regular firefighter and shall be dismissed as a probationary firefighter.

(i) All appointments shall be based on merit as the result of competitive written and oral examinations conducted under the auspices of the Civil Service Commission of the City of Danbury. The Civil Service Commission shall avail itself of professional testing services for the written portion of the examinations.

(j) All applicants for Civilian Clerk (typist, clerk, stenographer) shall comply with subsections (b), (d) and (e) of this section. Such Clerk shall be on a probationary period of six (6) months.

(Code 1961, § 8-18; Ord. No. 57, 1-4-1966; Ord. No. 120, 11-7-1967; Ord. No. 130, 6-4-1968; Ord. No. 182, 2-6-1973; Ord. No. 216, §§ 8—12, 15, 16, 3-1-1977; Ord. No. 222, 5-3-1977; Ord. No. 274, 11-5-1981; Ord. No. 296, 3-24-1983; Ord. No. 403, 10-2-1990)

Sec. 14-49. Promotions in regular department.

(a) Applicants must have a certificate to show that they have successfully passed a course of training required by the statutes or regulations of the State of Connecticut.

(b) All promotions shall be based on merit as the result of competitive examinations, written or oral, conducted under the auspices of the Civil

Service Commission of the City of Danbury. The Civil Service Commission shall avail itself of professional testing services for the written portion of the examinations.

(c) All applicants for promotion to Lieutenant shall have served a minimum of four (4) years at the regular Fire Department or three (3) years as a regular Firefighter, but have at least an associate degree in fire science and administration or the equivalent thereof from an institution accredited by the Connecticut Department of Education.

(d) All applicants for promotion to Captain shall have served a minimum of one (1) year as a lieutenant in the regular Fire Department and also have completed at least six (6) years of service in the regular Fire Department.

(e) All applicants for promotion to Assistant Chief shall have served a minimum of one (1) year as a captain and have completed at least eight (8) years of service in the regular Fire Department.

(f) All applicants for Fire Marshal shall have served a minimum of ten (10) years in the regular Fire Department or twelve (12) years in the Volunteer Fire Department. He must also have minimum qualifications to fulfill requirements of the State Department of Administrative Services which will conduct competitive examination in accordance with the provisions of C.G.S. § 7-423.

(Code 1961, § 8-19; Ord. No. 57, 1-4-1966; Ord. No. 167, 1-4-1972; Ord. No. 172, 3-7-1972; Ord. No. 216, §§ 9, 13, 14, 3-1-1977)

Sec. 14-50. Gratuities prohibited.

No fee or compensation other than the regular pay shall be charged or received by any member of the regular Fire Department, nor shall any member of the said force receive any present or reward for services rendered or to be rendered by him, unless with the consent of the City Council. (Code 1961, § 8-9; Ord. No. 57, 1-4-1966)

Sec. 14-51. Conduct of regular Firefighters while on duty.

No gaming shall be carried on, nor spirituous liquors, ale, cider or beer, be kept or drunk in any

building or upon any premises used by any company in the regular Fire Department. Any member disregarding this section shall be expelled from the Department.

(Code 1961, § 8-10; Ord. No. 57, 1-4-1966; Ord. No. 216, § 9, 3-1-1977)

Secs. 14-52—14-75. Reserved.

*Subdivision II. Fire Marshal**

Sec. 14-76. Duties.

(a) The Fire Marshal of the City of Danbury shall exercise all of the powers and perform all of the duties imposed upon local Fire Marshals by the C.G.S. ch. 541 (C.G.S. § 29-250 et seq.) and by the enactments of the City Council. In lieu of the fees provided by statute, the First Marshal of the City of Danbury shall be compensated by salary as fixed by the City Council in accordance with section 3-4 of the Charter of the City.

(b) When the Fire Marshal is lawfully absent from duty, the Senior Deputy Fire Marshal assigned by the Fire Chief shall assume all the duties and responsibilities of the Fire Marshal.

(c) Fire Inspector shall conduct such inspection and investigations as the Fire Marshal assigns.

(Code 1961, § 8-15; Ord. No. 57, 1-4-1966; Ord. No. 555, 3-6-2001)

Sec. 14-77. Records and reports.

The Fire Marshal shall keep a record of all orders issued by him, all complaints made to him, and all inspections and examinations made by him. He shall make a report to the City Council annually all that he has done during the year, and of all matters that fall within his department.

(Code 1961, § 8-16; Ord. No. 57, 1-4-1966)

Sec. 14-78. Failure to comply with orders.

Any person who fails or refuses to comply with an order of abatement issued by the Danbury Fire Marshal, or his authorized designees, pursu-

*State law reference—Local Fire Marshals, C.G.S. § 29-297 et seq.

ant to the authority granted by the Connecticut General Statutes, shall be subject to the penalties provided in section 1-8 hereof and in C.G.S. §§ 25-295 and 29-306. The Danbury Fire Marshal, or his authorized designees in addition to such other remedies as may be provided by the Connecticut General Statutes, is hereby authorized to enforce the provisions of this section through the issuance of citations in accordance with the citation procedure set forth in sections 2-2 and 2-3.

(Code 1961, § 8-17; Ord. No. 57, 1-4-1966; Ord. No. 680, 7-1-2008)

Sec. 14-79. Inspections; fees for inspections.

(a) *Liquor licenses.*

- (1) The Fire Marshal or his designee shall inspect or cause to be inspected any premises applying for a new or existing liquor license. A one hundred dollar (\$100.00) fee for all liquor permits allowing the retail sale, serving and consuming of liquor on the premises shall be paid to the City of Danbury prior to the Fire Marshal's inspection of all such premises which fall within the following categories:

- a. Cafe permit;
- b. Charitable organization permit;
- c. Club permit;
- d. Nonprofit club permit;
- e. Concession permit;
- f. Golf country club permit;
- g. Hotel permit;
- h. Resort permit;
- i. Restaurant permit;
- j. Special event permit;
- k. Special sporting facility permit;
- l. Stadium permit;
- m. Tavern permit;
- n. Temporary permit for beer and/or wine only; and
- o. University permit.

- (2) Inspection of the premises shall be made to ensure compliance with the Connecticut State Fire Safety Code and the applicable Connecticut General Statutes and regulations as may be amended from time to time. Said inspection shall be carried out simultaneously with all other required inspections. All separate fee schedules shall be adhered to.

(b) *Assembly occupancies.*

- (1) The Fire Marshal or his designee shall inspect, or cause to be inspected annually all assembly occupancies, with a minimum of fifty (50) occupants, or rented to the public for social functions or parties. The Fire Marshal shall require a license to be issued by his office. A fee of fifty dollars (\$50.00) shall be paid to the City of Danbury prior to the annual Fire Marshal's inspection of all Class A, Class B or Class C facilities.
- (2) Said annual inspection shall coincide with any other necessary inspections for licenses, such as a liquor license, health certificate and vendor permits with LPG tanks only. Inspection of assembly occupancies shall be made to ensure compliance with the Connecticut State Fire Safety Code and the applicable Connecticut General Statutes and regulations as may be amended from time to time. Said inspection shall be carried out simultaneously with all other required inspections. All separate fee schedules shall be adhered to.

(c) *Child day care centers.* The Fire Marshal or his designee shall inspect or cause to be inspected annually all child day care centers in which more than twelve (12) children receive care, maintenance and supervision, by other than relatives or legal guardians, to ensure compliance with the Connecticut State Fire Safety Code and the applicable Connecticut General Statutes and regulations. A fee of one hundred dollars (\$100.00) shall be paid to the City of Danbury prior to the annual Fire Marshal's inspection of all day care centers.

(d) *Group day care homes.* The Fire Marshal or his designee shall inspect or cause to be inspected annually all group day care homes in which at least seven (7) but not more than twelve (12) children receive care, maintenance and supervision, by other than their relatives or legal guardians, to ensure compliance with the Connecticut State Fire Safety Code and the applicable Connecticut General Statutes and regulations. A fee of fifty dollars (\$50.00) shall be paid to the City of Danbury prior to the annual Fire Marshal's inspection of all group day care homes.

(e) *Nursing homes and assisted living facilities.*

(1) *Nursing homes.* The Fire Marshal or his designee shall inspect or cause to be inspected every two (2) years all nursing homes in which persons are cared for or live in a supervised environment and have physical limitations because of health or age, and receive medical treatment or other care and treatment, to ensure compliance with the Connecticut State Fire Safety Code and the applicable Connecticut General Statutes and regulations. A fee of one hundred dollars (\$100.00) shall be paid to the City of Danbury prior to the Fire Marshal's inspection of all nursing homes every two (2) years.

(2) *Assisted living facilities.* The Fire Marshal or his designee shall inspect or cause to be inspected every two (2) years all assisted living facilities in which persons live in a supervised residential environment which provides personal care services to ensure compliance with the Connecticut State Fire Safety Code. A fee of fifteen dollars (\$15.00) per unit shall be paid to the City of Danbury prior to the Fire Marshal's inspection of all assisted living facilities every two (2) years.

(f) *Lodginghouses and roominghouses.*

(1) The Fire Marshal or his designee shall inspect or cause to be inspected annually all lodginghouses and roominghouses, in accordance with the Connecticut State

Fire Safety Code and the applicable Connecticut General Statutes and regulations and issue an approval to the Health and Human Services Department to license such occupancy upon compliance.

(2) A fee of fifty dollars (\$50.00) shall be paid to the City of Danbury prior to the annual Fire Marshal's inspection of all lodginghouses and roominghouses. Said inspection shall be carried out simultaneously with any other required inspections. All separate fee schedules shall be adhered to.

(g) *Dry cleaning establishments.* The Fire Marshal or his designee shall inspect or cause to be inspected every three (3) years all dry cleaning establishments to ensure compliance with the Connecticut State Fire Safety Code and the applicable Connecticut General Statutes and regulations as may be amended from time to time. A fee of fifty dollars (\$50.00) shall be paid to the City of Danbury prior to the annual Fire Marshal's inspection of all dry cleaning establishments.

(h) *Carnivals.* The Fire Marshal or his designee shall inspect or cause to be inspected all carnival events prior to issuing approval to operate. The party sponsoring the carnival event using tents, portable cooking devices, rides, amusements and any other such activity, or combination thereof for any reason or cause, shall schedule an inspection with the Fire Marshal's office not less than thirty (30) days prior to the scheduled event. Also, not less than thirty (30) days prior to the scheduled event a plot plan showing all rides, booths, concessions, and amusements shall be submitted to the Fire Marshal's office along with all other relevant documents. A fee of seventy-five dollars (\$75.00) shall be paid to the City of Danbury prior to the Fire Marshal's review of the plot plan and inspection of the site.

(i) *Hotels.* The Fire Marshal or his designee shall inspect or cause to be inspected annually all hotels to ensure compliance with the Connecticut State Fire Safety Code and the applicable Connecticut General Statutes and regulations. For the purposes of this section, the term "hotel" means a building or a group of buildings under

the same management in which there are more than sixteen (16) sleeping accommodations used primarily by transients for lodging, with or without meals, whether designated as a hotel, inn, club, motel, apartment, or by any other name. A fee of fifteen dollars (\$15.00) per unit shall be paid to the City of Danbury prior to the annual Fire Marshal's inspection of all hotels. Said inspection shall be carried out simultaneously with any other required inspections. All separate fee schedules shall be adhered to.

(j) *Cargo tank motor vehicles.* The Fire Marshal or his designee shall inspect or cause to be inspected annually any motor vehicle registered within his jurisdiction that is used for the storage or transportation of any bulk flammable or combustible liquids, liquid petroleum gas, or liquefied natural gas, or any other hazardous materials for the purpose of issuing a certificate as directed by sections 29-322, 29-332 and 29-339 (C.G.S. §§ 29-322, 29-332 and 29-339) of the applicable Connecticut General Statutes and regulations. A fee of fifty dollars (\$50.00) per sticker shall be paid to the City of Danbury prior to the annual Fire Marshal's inspection of all cargo tank motor vehicles.

(k) *Vendor permits/LPG tanks.* The Fire Marshal or his designee shall inspect or cause to be inspected annually any carts or vehicles of vendor permit applicants which use liquefied petroleum gas as a fuel for cooking. Each liquefied petroleum gas tank and piping shall be installed and mounted per NFPA 58 Standards. At the time of application, a fee of twenty dollars (\$20.00) shall be paid to the City of Danbury and the cart or vehicle brought to the Fire Marshal's parking lot at the Danbury City Hall for inspection. Said inspection shall be carried out simultaneously with any other required inspections. All separate fee schedules shall be adhered to.

(l) *Three-family or more dwellings; apartment houses, garden apartments and townhouses.* The Fire Marshal or his designee shall inspect or cause to be inspected annually all residential buildings designed to be occupied by three or more families, including but not limited to, three-family or greater dwellings, apartment houses,

garden apartments and townhouses. Upon the scheduling of an inspection a fee of twenty-five dollars (\$25.00) per unit shall be paid to the City of Danbury. Said inspection shall be carried out simultaneously with any other required inspections. All separate fee schedules shall be adhered to.

(m) *Portable shelters housing one hundred (100) or more persons.* The Fire Marshal or his designee shall inspect or cause to be inspected all tents, air-supported plastic or fabric or other portable shelters governed by section 29-140 (C.G.S. § 29-140) of the applicable Connecticut General Statutes and regulations, and intended for assembly of one hundred (100) or more persons. At the time of application for a permit to erect such a portable shelter, a fee of twenty-five dollars (\$25.00) shall be paid to the City of Danbury. Said inspection shall be carried out simultaneously with any other required inspections. All separate fee schedules shall be adhered to.

(n) *Public service stations.* The Fire Marshal or his designee shall inspect or cause to be inspected every three (3) years all public service stations to ensure compliance with the Connecticut State Fire Safety Code and the applicable Connecticut General Statutes and regulations as may be amended from time to time. A fee of twenty-five dollars (\$25.00) per dispenser shall be paid to the City of Danbury prior to the Fire Marshal's inspection of public service stations every three (3) years.

(o) *Failure to pay inspection fees.* The owner or occupant of any property inspected by the Office of the Fire Marshal shall pay the inspection fee within ten (10) days of receiving an invoice from the Office of the Fire Marshal. All such fees paid to the Office of the Fire Marshal shall be nonrefundable. In the event of failure to pay an inspection fee when due, the Fire Marshal shall issue a notice of failure to pay together with an invoice demanding payment of the inspection fee. Further action to collect the inspection fee shall be in accordance with the procedures set forth in section 2-3, citation hearing procedure, pertaining to enforcement, appeals and hearing.

- (1) All premises subject to inspection shall be so inspected by the Fire Marshal pursuant to the provisions of the applicable Connecticut General Statutes and regulations as amended and all other applicable codes. Such inspections shall be scheduled and conducted at the discretion of the Fire Marshal in accordance with state law.
- (2) If an applicant fails a first inspection, a re-inspection fee may be applied at the discretion of the Fire Marshal. A fee of twenty-five dollars (\$25.00) shall be paid for each additional inspection conducted by the Office of the Fire Marshal until the subject approval is issued.
- (3) No fees set forth in this section shall apply to inspections of property owned or operated by municipal or state governmental agencies, subdivisions, or entities.
- (Code 1961, § 8-33; Ord. No. 621, 6-2-2004; Ord. No. 705, 1-4-2011; Ord. No. 13, 9-3-2014)

Sec. 14-80. Plan review fees.

(a) Plan review.

- (1) When any person, firm, business or other entity submits a plan, application or other document in connection with a building permit for review and/or approval to the office of the Fire Marshal, the fees for said review and/or approval shall be based on aggregate square footage as set out in the following table. At the discretion of the Fire Marshal, plans for buildings/systems exceeding five thousand (5,000) square feet may be required to have an independent plan review conducted by a pre-approved reviewer of the applicant's choice with any costs of such review borne by the applicant. Reports developed by the independent reviewer must be reviewed for acceptance by the Fire Marshal and all fees connected with said review paid by the applicant prior to approval for permit.

Building

Up to 2,000 sq. ft.....	\$ 50.00
2,000 to 4,999 sq. ft.	100.00
5,000 to 9,999 sq. ft.	350.00
10,000 to 25,000 sq. ft.	500.00
25,000 to 50,000 sq. ft.	750.00
Over 50,000 sq. ft.	1,500.00

Fire alarm system

Up to 5,000 sq. ft.....	50.00
5,000 to 9,999 sq. ft.	100.00
10,000 to 49,999 sq. ft.	200.00
Greater than 50,000 sq. ft.	300.00

Fire sprinkler system

Up to 5,000 sq. ft.....	50.00
5,000 to 9,999 sq. ft.	100.00
10,000 to 49,999 sq. ft.	300.00
Greater than 50,000 sq. ft.	500.00

Food service hood and exhaust systems, per system	100.00
Public service station, per dispenser	35.00
Other special fire protection extinguishing systems (FM200, CO2, Halon, dry chemical and other special extinguishing systems), per system	100.00
Re-submittal fees:	
For previously rejected plans	1/2 base fee
For modification of approved plans	1/3 base fee

(2) Inspection fees.

(b) The fees associated with plan review shall be paid in full prior to the office of the Fire Marshal taking any action to review or approve plans submitted or resubmitted to said office. All such fees paid to the City of Danbury shall be nonrefundable.

(c) If an applicant fails a first inspection, a reinspection fee may be applied at the discretion of the Fire Marshal. A fee of twenty five dollars (\$25.00) shall be paid for each additional inspection conducted by the office of the Fire Marshal until the subject approval is issued.

(d) No fees set forth in this section shall apply to inspections of property owned or operated by municipal or state governmental agencies, subdivisions, or entities.
(Ord. No. 705, § 8-34, 1-4-2011)

Secs. 14-81—14-103. Reserved.

DIVISION 3. VOLUNTEER FIRE COMPANIES*

Sec. 14-104. Name, numerical designation and location of volunteer companies.

(a) The following shall be the list of the name, numerical designation and location of the volunteer companies:

- (1) Padanaram Hose Company No. 3, North Street.
- (2) Independent Hose Company No. 4, Hoyt Street.
- (3) Wooster Hose Company No. 5, Coalpit Hill Road.
- (4) Citizens Hose Company No. 6, Jefferson Avenue.
- (5) Water Witch Hose Company No. 7, Locust Avenue.

- (6) Phoenix Hose Company No. 8, Well Avenue.
- (7) Beckerle & Co. Hose Company No. 9, Liberty Street.
- (8) Germantown Hose Company No. 10, Germantown Road.
- (9) Beaver Brook Hose Company No. 11, Beaver Brook.
- (10) Mill Plain Hose Company No. 12, Mill Plain Road.
- (11) Miry Brook Hose Company No. 13, Miry Brook Road.
- (12) King Street Hose Company No. 14, South King Street.

(b) The list of volunteer fire companies mentioned in subsection (a) of this section shall consist of such officers, firefighters and equipment as provided for by company charter and by-laws.

*State law reference—Volunteer firefighters, C.G.S. § 7-314 et seq.

(c) The foregoing companies having been in existence on January 1, 1965, either as City volunteer or town volunteers, and in accordance with the Charter of the City of Danbury, have been and are automatically accepted into the Fire Department of said City. From time to time additional companies of volunteers may be added in conformance with the Charter.

(Code 1961, § 8-3; Ord. No. 57, 1-4-1966)

Sec. 14-105. Personnel and property of volunteer companies; release of members of volunteer fire companies from employment in emergencies.

(a) The membership of the various volunteer fire companies shall have and retain control of the personnel and all of the property of each such company except when actually at the scene of a fire, or in transit to and from the same, or when actually engaged in preparation and training for fighting fires at which times they shall be subject to the orders of the Chief or his representative. No one exclusive of membership shall have any jurisdiction over the internal affairs of any volunteer company. Engines shall be maintained in operating repair at all times.

(b) Release of members for emergencies.

(1) The City and any person, firm or corporation located within the City which employs ten (10) or more persons at any one (1) location shall allow any active member of a Danbury Volunteer Fire Company, as defined in C.G.S. § 7-314, to leave his place of employment without loss of pay, vacation time, sick leave or earned overtime accumulation to respond, between the hours of 8:00 a.m. and 5:00 p.m., to an emergency to which his volunteer fire company is responding. No such employer shall:

a. Discharge, discipline or reduce the wages, vacation time, sick leave or earned overtime accumulation of any employee because such employee is a member in a volunteer fire company; or

b. Require refusal to respond to an emergency as a condition of continued employment. The requirements of this subsection shall not be altered by any collective bargaining agreement.

(2) Any such member who participates pursuant to this subsection shall register with his volunteer fire company. Each Danbury-based volunteer fire company shall maintain a list of their members who are employed within the City and who are available to respond to an emergency between the hours of 8:00 a.m. and 5:00 p.m.

(3) The services of a member of a volunteer fire company who leaves a place of employment pursuant to this subsection to respond to an emergency shall be provided in accordance with any internal operating procedures established by his volunteer fire company.

(4) Any member of a Danbury Volunteer Fire Company who responds to an emergency pursuant to the provisions of the subsection shall be entitled to receive all benefits payable under the provisions of C.G.S. §§ 7-314 and 7-314a.

(Code 1961, § 8-4; Ord. No. 57, 1-4-1966; Ord. No. 488, 9-7-1994)

State law reference—Leaves for service as volunteer firefighter, C.G.S. § 7-322b.

Sec. 14-106. Fire police units.

Fire police units may be organized in the volunteer companies as provided by C.G.S. § 7-314.

(Code 1961, § 8-12; Ord. No. 57, 1-4-1966)

Secs. 14-107—14-125. Reserved.

ARTICLE III. OUTDOOR FIRES*

Sec. 14-126. Definitions.

For the purpose of this article, the term "outdoor fire" means any fire in the open air or outside the confines of a building for the purpose of:

- (1) The burning of woodland, grassland, swampland, leaves and other forest debris.
 - (2) The burning as a means of disposal of any type of structure, marine and aircraft, vehicles and the burning of debris from any of the foregoing.
 - (3) The burning as a means of disposal of paper, rubbish and all types of combustibles.
- (Code 1961, § 8-26; Ord. No. 114, Art. 1, 8-1-1967)

Sec. 14-127. Exemption.

This article does not apply to fires for cooking purposes.
(Code 1961, § 8-27; Ord. No. 114, Art. 5, 8-1-1967)

Sec. 14-128. Nonliability of City and City officers, agents and employees.

(a) The City of Danbury, the Danbury Fire Department and the officers, agents and employees of each shall not be held responsible for any damage which may be caused by an incinerator which has been approved, either as to construction or location, by the Fire Marshal.

(b) The City of Danbury, the Danbury Fire Department and the officers, agents and employees of each shall not be held responsible for any damage by any outdoor fire for which permission has been granted.
(Code 1961, § 8-29; Ord. No. 114, Art. 7, 8-1-1967)

Sec. 14-129. Regulations governing outdoor fires.

(a) *Permission required.* No person shall kindle an outdoor fire without permission from the Fire Marshal or his designee, which permission may be denied if in his opinion conditions are unsafe for burning.

(b) *Time of day.* No outdoor fire shall be kindled between sunset and sunrise.

(c) *Attendant.* No outdoor fire shall be left unattended at any time.

(d) *Extinguished.* Outdoor fires must be extinguished before sunset.

(e) *Garbage.* Outdoor burning of garbage is prohibited.

(f) *Brush burning.* Subject to the approval of the Mayor, the Danbury Fire Marshal is hereby designated as the Open Burning Official of the City of Danbury and he, or his designee, is hereby authorized to issue a permit allowing the open burning of brush on residential property, provided the burning is conducted by the resident of the property or the agent of the resident. The burning of brush pursuant to said permits shall be conditioned upon compliance with the requirements of C.G.S. § 22a-174(f) and with the requirements of applicable regulations adopted by the Commissioner of the Connecticut Department of Environmental Protection. Brush burning may also be conditioned by the Fire Marshal upon additional terms that, in his judgment, are required to protect the public health, safety and welfare. No brush burning permits shall be issued until the applicant has paid a twenty-five dollar (\$25.00) permit fee.

(Code 1961, § 8-30; Ord. No. 114, Art. 2, 8-1-1967; Ord. No. 616, 6-2-2004)

*State law reference—Open burning permits, C.G.S. § 22a-174.

Chapter 15

RESERVED



Chapter 16

HEALTH AND SANITATION*

Article I. In General

Secs. 16-1—16-18. Reserved.

Article II. Unhealthful or Insanitary Conditions

- Sec. 16-19. Deposit and accumulation of filth, offensive privies, garbage boxes; standing, parking of garbage and septic waste trucks; exemptions.
- Sec. 16-20. Location of animal pens.
- Sec. 16-21. Discharge of water onto streets, sidewalks.
- Sec. 16-22. Sale of unfit food.
- Sec. 16-23. Protection of meat, poultry, fish from dust and dirt.
- Sec. 16-24. Public swimming pools.
- Secs. 16-25—16-51. Reserved.

Article III. Food Service Establishments

- Sec. 16-52. Definitions.
- Sec. 16-53. Submission of plans for construction, remodeling, etc., for review.
- Sec. 16-54. Preoperational inspection.
- Sec. 16-55. License required; conditioned upon compliance with chapter and with state law.
- Sec. 16-56. Issuance of licenses.
- Sec. 16-57. Annual license fee schedule.
- Sec. 16-58. Expiration and renewal of permanent licenses.
- Sec. 16-59. Duration of licenses for temporary food establishments.
- Sec. 16-60. Posting of licenses.
- Sec. 16-61. Transfer of licenses.
- Sec. 16-62. Suspension of licenses.
- Sec. 16-63. Revocation of licenses.
- Sec. 16-64. Reapplication for license.
- Sec. 16-65. Food establishments outside the corporate limits of the City.
- Sec. 16-66. Examination, confiscation and condemnation of food.
- Sec. 16-67. Reinspection fee.
- Sec. 16-68. Notice; conduct of public hearings.
- Sec. 16-69. Appeals to the Connecticut Department of Public Health.
- Sec. 16-70. Service of notices.
- Sec. 16-71. Violations; penalties other than suspension and revocation of licenses.
- Secs. 16-72—16-126. Reserved.

Article IV. Septic Tanks and Subsurface Sewage Disposal Systems

- Sec. 16-127. Septic tank notice.
- Sec. 16-128. Test holes for obtaining septic tank permits to be filled; penalty.
- Sec. 16-129. Subsurface sewage disposal system permit.
- Secs. 16-130—16-156. Reserved.

*State law references—Public health, C.G.S. § 19a-1 et seq.; health power of City, C.G.S. § 7-148(c)(7)(H)(xi); municipal health authorities, C.G.S. § 19a-200 et seq.

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Article V. Contagious Diseases

- Sec. 16-157. Reports of hotel and lodginghouse keepers, householders.
- Sec. 16-158. Reports of physicians; exclusion of children from schools.
- Sec. 16-159. Duty of school teachers to report.
- Sec. 16-160. Confinement of patients, disinfection of premises and articles by officers.
- Sec. 16-161. Carrying infected persons in public vehicles.
- Sec. 16-162. Permit required for public funeral.
- Sec. 16-163. Effect of quarantining premises.
- Sec. 16-164. Destroying, defacing quarantine notice.
- Sec. 16-165. Vaccinations.
- Secs. 16-166—16-180. Reserved.

Article VI. Day Care

- Sec. 16-181. Definitions.
- Sec. 16-182. Certificate of inspection required.
- Sec. 16-183. Application.
- Sec. 16-184. Investigation.
- Sec. 16-185. Fees.
- Sec. 16-186. Transferability.
- Sec. 16-187. Suspension.
- Sec. 16-188. Reinstatement.
- Sec. 16-189. Revocation.
- Sec. 16-190. Appeal.
- Sec. 16-191. Reissuance of certificate of inspection.
- Sec. 16-192. Violation; penalties.

ARTICLE I. IN GENERAL

Secs. 16-1—16-18. Reserved.

**ARTICLE II. UNHEALTHFUL OR
INSANITARY CONDITIONS***

**Sec. 16-19. Deposit and accumulation of
filth, offensive privies, garbage
boxes; standing, parking of
garbage and septic waste trucks;
exemptions.**

(a) No person shall cause or permit the accumulation or deposit in any building, outhouse, yard or enclosure of any dung, filth, manure, offal, wash or dirty water, or brine which shall become offensive to anyone, or set up or continue any privy in such place or manner that the same shall become unwholesome or offensive to anyone, or make or maintain any deposit or accumulation of manure, garbage, decaying vegetables, meat, fish, offal, ashes, or any decaying matter, except in an enclosed basement, box, vault or cellar not less than forty (40) feet distance from any street line and from any dwelling or public building; nor shall any garbage or septic waste trucks park within such 40-foot distance from any street line and from any dwelling or public building except while collecting or disposing of garbage or septic wastes.

(b) The Director of Health may grant an exemption from the provisions of subsection (a) of this section which restrict the placement of materials in any basement, box, vault or cellar within forty (40) feet of any street line, dwelling or public building if owing to conditions especially affecting any particular parcel of property, literal enforcement would result in exceptional difficulty or unusual hardship.

(Code 1925, § 113; Code 1961, § 9-18; Ord. No. 240, 3-6-1979; Ord. No. 452, 12-1-1992)

Sec. 16-20. Location of animal pens.

No person shall keep any animal or fowl in any pen, sty, or other place in such manner that

*State law reference—Authority to define, prohibit, and abate nuisances, C.G.S. § 7-148(c)(7)(E).

said place shall become unwholesome or offensive to any person, nor keep or maintain any hen house within forty (40) feet of the street line, or of any dwelling house or public building.
(Code 1925, § 112; Code 1961, § 9-24)

**Sec. 16-21. Discharge of water onto streets,
sidewalks.**

No person shall cause or permit any wash or dirty water or discharges from any sink to pass into any street or unto any sidewalk in the City.
(Code 1925, § 114; Code 1961, § 9-25)

Sec. 16-22. Sale of unfit food.

No person shall sell or offer or expose for sale any meat, fish, vegetables or fruit in such condition as to endanger public health.
(Code 1925, § 89; Code 1961, § 9-27)

**Sec. 16-23. Protection of meat, poultry, fish
from dust and dirt.**

The body of any animal, or any part thereof, which is to be used for human food shall not be carted or carried through the streets or avenues. No meat, poultry, game or fish shall be hung or exposed for sale in any street or outside of any shop or store or in the open windows or doorways thereof, unless it be so covered as to protect it from the dust and dirt. Any person violating any of the provisions of this section shall be fined not more than fifty dollars (\$50.00) or imprisoned not more than six (6) months or both.
(Code 1925, § 246; Code 1961, § 9-27)

Sec. 16-24. Public swimming pools.

(a) *Definitions.* As used in this section, the term "public pool" has the definition assigned to it under the provisions of section 19-13-B33b(a)(1) of the Regulations of Connecticut State Agencies, as amended.

(b) *License to operate.* No person, firm, corporation or other entity shall operate or maintain any public pool within the City without a license. All such licenses shall be issued by the Health Department upon written application made on forms provided by the Director. Licenses shall be effective for a period of not more than one (1)

year commencing on the date of issuance and expiring on the following June 30 unless otherwise revoked pursuant to the provisions of subsection (e) of this section.

(c) *License fee.* No license shall be issued by the Health Department until the applicant has paid a fee of two hundred fifty dollars (\$250.00) per public pool; except that license fees for public pools located within the Downtown Revitalization Zone as specified in section 7.F. of the City of Danbury Zoning Regulations shall be reduced by fifty (50) percent.

(d) *Inspections.* Whenever the Director of Health has ordered a licensee to correct one or more conditions that violate the provisions of 19-13-B33b of the Regulations of Connecticut State Agencies, as amended, or that otherwise fail to comport with the demands of public health and safety, the Director of Health or his authorized designee shall thereafter perform an inspection to determine whether or not the licensee has complied with said order. If said inspection reveals that the licensee has failed to perform the required corrections or has performed said corrections inadequately, the licensee shall pay a fee of fifty dollars (\$50.00) for each subsequent inspection that may be required in connection with said order.

(e) *Suspension and revocation.* The Director of Health shall have authority to order the suspension or revocation of any license issued pursuant to the provision of subsection (b) of this section whenever he concludes that the licensee has failed to comply with the requirements of 19-13-B33b of the Regulations of Connecticut State Agencies, as amended, or otherwise when the demands of public health and safety require it. The Director of Health shall promptly send a written notice of the order of revocation or suspension to the licensee indicating the reasons for said action and advising the licensee of his right to appeal said order to the Commissioner of Health Services in accordance with C.G.S. § 19a-229 and sections 19-2-1 to 19-2-43, inclusive, of the Regulations of Connecticut State Agencies, as amended.

(Ord. No. 700, § 11-7, 4-6-2010; Ord. No. 719, § 11-7, 11-19-2012)

Secs. 16-25—16-51. Reserved.

ARTICLE III. FOOD SERVICE ESTABLISHMENTS*

Sec. 16-52. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Food establishment.

- (1) The term "food establishment" means an operation that:
 - a. Stores, prepares, packages, serves, vends directly to the consumer or otherwise provides food for human consumption, including, but not limited to, a restaurant, catering food service establishment, food service establishment, temporary food service establishment, itinerant food vending establishment, market, conveyance used to transport people, institution or food bank; or
 - b. Relinquishes possession of food to a consumer directly, or indirectly through a delivery service, including, but not limited to, home delivery of grocery orders or restaurant takeout orders or a delivery service that is provided by common carriers.
- (2) The term "food establishment" does not include a vending machine, as defined in C.G.S. § 21a-34, a private residential dwelling in which food is prepared under C.G.S. § 21a-62a or a food manufacturing establishment, as defined in C.G.S. § 21a-151.
- (3) The term "food establishment" includes class 1 food establishments, class 2 food establishments, class 3 food establishments and class 4 food establishments, as those terms are defined in P.A. 17-93.

***State law reference**—State regulation of food service establishments, C.G.S. § 19a-36.

- (4) The term "food establishment" shall not include farmers and gardeners whose sales are limited to the produce of their farms and gardens. The Director of Health shall not require any farmer to apply for or purchase a license to operate a food establishment if such farmer holds a valid permit or license issued by another municipal health department or health district and is in compliance with the provisions of C.G.S. § 22-6s(b).

Seasonal market vendor license means a license issued to a person who operates a food establishment and who prepares or serves foods at a Connecticut certified farmer's market. The dates of a seasonal market vendor license shall coincide with the dates of operation of the particular farmer's market for which the food establishment operator is applying, but shall not exceed one hundred fifty (150) consecutive days.

Seasonal vendor license means a license issued to a food establishment that is seasonal in nature and operates in a single location for a period of time not to exceed three months. Seasonal periods are defined as follows:

- (1) The term "Spring" means April, May and June.
- (2) The term "Summer" means July, August and September.
- (3) The term "Autumn" means October, November and December.
- (4) The term "Winter" means January, February and March.

(Code 1961, § 8A-1; Ord. No. 246, § 1, 8-7-1979; Ord. No. 393, 6-5-1990; Ord. No. 451, 12-1-1992; Ord. No. 34, § 8A-1, 11-8-2017)

Sec. 16-53. Submission of plans for construction, remodeling, etc., for review.

Whenever a food establishment is constructed or remodeled, and whenever an existing structure is converted to use as a food establishment, properly prepared plans and specifications for such construction, remodeling, or alteration shall be submitted to the Director of Health, or his authorized agent, for review and approval before

construction, remodeling, or alteration is begun. The plans and specifications shall indicate the proposed layout, arrangement, and construction materials of work areas and the type and model of proposed fixed equipment and facilities. The Director of Health, or his authorized agent, shall approve the plans and specifications if they meet the requirements of this chapter and the Public Health Code of the State of Connecticut. No food establishment shall be constructed, remodeled, or altered except in accordance with plans and specifications approved by the Director of health, or his authorized agent. Approval of the Director of Health, or his authorized agent, shall be separate from and independent of any other review, permit, inspection, or approval which may be required by other duly authorized officers of the City or state.

(Code 1961, § 8A-2; Ord. No. 246, § 10, 8-7-1979; Ord. No. 34, § 8A-2, 11-8-2017)

Sec. 16-54. Preoperational inspection.

Whenever plans and specifications are required by section 16-53 to be submitted to the Director of Health, or his authorized agent, the Director of Health, or his authorized agent, shall inspect the food establishment prior to its beginning operation to determine compliance with the approved plans and specifications, and with the requirements of this chapter and the Public Health Code of the State of Connecticut. (Code 1961, § 8A-3; Ord. No. 246, § 11, 8-7-1979; Ord. No. 34, § 8A-3, 11-8-2017)

Sec. 16-55. License required; conditioned upon compliance with chapter and with state law.

No person shall operate a food establishment who does not have a valid license issued to him by the Director of Health. Unless a variance has been granted by the Commissioner of Public Health, only a person who complies with the requirements of this chapter and the Public Health Code of the State of Connecticut shall be entitled to receive or retain such a license. On and after July 1, 2018, no permit to operate a food establishment shall be issued by the Director of Health unless the applicant has provided the Director of Health with proof of registration

with the Connecticut Department of Health and a written application for a license in a form and manner prescribed by the said Department. Temporary food establishments and certified farmers' markets, as defined in C.G.S. § 22-6r, as amended, shall be exempt from registering with the Connecticut Department of Public Health. On and after July 1, 2018, all applicants shall comply fully with the requirements of the United States Food and Drug Administration's food code, as amended from time to time, and any food code supplement published by said administration and adopted and administered as the State of Connecticut's food code, together with any duly adopted regulations, for the purpose of regulating food establishments.

(Code 1961, § 8A-4; Ord. No. 246, § 2, 8-7-1979; Ord. No. 34, § 8A-4, 11-8-2017)

Sec. 16-56. Issuance of licenses.

(a) Any person desiring to operate a food establishment shall make written application for a license on forms provided by the Director of Health. Such application shall include at a minimum the name and address of owner of the establishment, the location and type of the proposed food establishment, and the signature of each owner. If the application is for a temporary food establishment, it shall also include the dates of the proposed operation.

(b) Prior to approval of any application for license, the Director of Health, or his authorized agent, who shall be a certified food inspector, as defined in P.A. 17-93, shall inspect at reasonable hours the proposed food establishment to determine compliance with the provisions of this chapter and the Public Health Code of the State of Connecticut.

(c) The Director of Health shall issue a license to the applicant if the inspection reveals that the proposed food establishment complies with the requirements of this chapter and the Public Health Code of the State of Connecticut.
(Code 1961, § 8A-5; Ord. No. 246, § 3, 8-7-1979; Ord. No. 34, § 8A-5, 11-8-2017)

Sec. 16-57. Annual license fee schedule.

The Director of Health shall establish a schedule of annual fees, subject to approval and adoption by resolution of the City Council.

(Code 1961, § 8A-6; Ord. No. 246, § 4, 8-7-1979; Ord. No. 34, § 8A-6, 11-8-2017)

Sec. 16-58. Expiration and renewal of permanent licenses.

All licenses shall expire on the last day of the fiscal year, and may be renewed for another year upon application and payment of annual fee.

(Code 1961, § 8A-7; Ord. No. 246, § 5, 8-7-1979; Ord. No. 34, § 8A-7, 11-8-2017)

Sec. 16-59. Duration of licenses for temporary food establishments.

Licenses for temporary food establishments shall be issued for a period of time not to exceed fourteen (14) consecutive days.

(Code 1961, § 8A-8; Ord. No. 246, § 2, 8-7-1979; Ord. No. 34, § 8A-8, 11-8-2017)

Sec. 16-60. Posting of licenses.

A valid license shall be posted in a conspicuous location visible to the public in every food establishment.

(Code 1961, § 8A-9; Ord. No. 246, § 2, 8-7-1979; Ord. No. 34, § 8A-9, 11-8-2017)

Sec. 16-61. Transfer of licenses.

Licenses are not transferable.

(Code 1961, § 8A-10; Ord. No. 246, § 2, 8-7-1979; Ord. No. 34, § 8A-10, 11-8-2017)

Sec. 16-62. Suspension of licenses.

(a) The Director of Health shall suspend any license to operate a food establishment if the license holder does not comply with the requirements of this chapter or the Public Health Code of the State of Connecticut. If the Director of Health finds unsanitary or other conditions in the operation of a food establishment which, in his judgment, constitute an immediate and substantial hazard to public health, he shall immediately issue a written notice to the license holder or operator citing such conditions, specify-

ing the corrective action to be taken and specifying the time period within which such action shall be taken, and, if deemed necessary, order immediate correction. If infected, employees may be excluded from the establishment or food area. If correction is not made in the stated time, the license shall be suspended. Suspension is effective upon service of a notice as stated in section 16-68. When a license is suspended, food service operations shall immediately cease.

(b) Whenever a license is suspended, the license holder or person in charge may, within forty-eight (48) hours, file a written appeal with the Director of Health. If no appeal is filed within forty-eight (48) hours, the suspension becomes final. If an appeal is filed, the Director of Health shall thereupon schedule a hearing on the matter as hereinafter provided. After due notice and hearing, at which time a license holder or person in charge shall have an opportunity to be heard, the Director of Health may, on the basis of evidence presented at such hearing, vacate or affirm such suspension.
(Code 1961, § 8A-11; Ord. No. 246, § 6, 8-7-1979; Ord. No. 34, § 8A-11, 11-8-2017)

Sec. 16-63. Revocation of licenses.

The Director of Health or his authorized agent may, after providing opportunity for an appeal, revoke a license for serious or repeated violations of any of the requirements of this chapter or the Public Health Code of the State of Connecticut, or for interference with the Director of Health, or his authorized agent, in the performance of his duties. Prior to revocation, the Director of Health shall notify the license holder or person in charge, in writing, of the reasons for which the license is subject to revocation and that the license shall be revoked at the end of fourteen (14) days following service of such notice, unless an appeal is filed with the Director of Health by the license holder within forty-eight (48) hours. If no request for appeal is filed within forty-eight (48) hours, the revocation of the license becomes final. If an appeal is filed, the Director of Health shall thereupon schedule a hearing on the matter as hereinafter provided. After due notice and hearing, at which time a license holder or person in charge shall have an

opportunity to be heard, the Director of Health may, on the basis of evidence presented at such hearing, vacate or affirm such revocation.
(Code 1961, § 8A-12; Ord. No. 246, § 7, 8-7-1979; Ord. No. 34, § 8A-12, 11-8-2017)

Sec. 16-64. Reapplication for license.

(a) *Following suspension.* Whenever a license has been suspended, the holder of the suspended license may make a written request for reinstatement of the suspended license. Within ten (10) days following receipt of a written request, including a statement signed by the applicant that, in his opinion, the conditions causing the suspension have been corrected, the Director of Health or his authorized agent shall make a reinspection. If the applicant is complying with the requirements of this chapter and the Public Health Code of the State of Connecticut, the license shall be reinstated.

(b) *Following revocation.* After a period of sixty (60) days from the date of revocation, a written application may be made for the reinstatement of a license as provided in section 16-56, and upon payment of the annual fee.

(c) *Reinstatement fee.* A license reinstatement fee shall be required whenever a license to operate a food establishment has been suspended or revoked and must be submitted before the license is reinstated. The license reinstatement fee shall be in addition to the annual food establishment license fee and will not be prorated.
(Code 1961, § 8A-13; Ord. No. 246, § 9, 8-7-1979; Ord. No. 34, § 8A-13, 11-8-2017)

Sec. 16-65. Food establishments outside the corporate limits of the City.

Food from food establishments outside the jurisdiction of the Director of Health of the City may be sold within the City if such food establishments conform to the provisions of this chapter or to substantially equivalent provisions. To determine the extent of compliance with such provisions, the Director of Health may accept

reports from responsible authorities in other jurisdictions where such food establishments are located.

(Code 1961, § 8A-14; Ord. No. 246, § 13, 8-7-1979; Ord. No. 34, § 8A-14, 11-8-2017)

Sec. 16-66. Examination, confiscation and condemnation of food.

Food may be examined or sampled by the Director of Health as often as necessary for enforcement of this chapter or the Public Health Code of the State of Connecticut. The Director of Health may, upon written notice to the owner or person in charge specifying with particularity the reasons therefor, place a hold order on any food or beverage which he believes is unfit for human consumption. The Director of Health, or his authorized agent, shall tag, label, or otherwise identify, including laboratory analysis, any food subject to the hold order. No food subject to a hold order shall be used, served, or moved from the establishment. The Director of Health shall permit storage of the food under conditions specified in the hold order, unless storage is not possible without risk to the public health, in which case immediate destruction shall be ordered and accomplished. Such storage or destruction of foodstuffs and the costs associated with or arising from same shall remain the responsibility of the owner or agent in charge. The hold order shall state that a request for hearing may be filed with the Director of Health within forty-eight (48) hours and that, if no hearing is requested, the food shall be destroyed. If so requested, the Director of Health shall thereupon schedule a hearing on the matter as hereinafter provided. After due notice and hearing, at which time a license holder or person in charge shall have an opportunity to be heard, the Director of Health may, on the basis of evidence presented at such hearing, vacate the hold order previously issued or direct the owner or person in charge of said food to denature or destroy same or to bring it into compliance with the provisions of this chapter or the Public Health Code of the State of Connecticut.

(Code 1961, § 8A-15; Ord. No. 246, § 12, 8-7-1979; Ord. No. 34, § 8A-15, 11-8-2017)

Sec. 16-67. Reinspection fee.

A reinspection fee shall be assessed whenever a food establishment fails an inspection. A reinspection fee shall also be assessed whenever a food establishment formally requests that a reinspection be performed in order to improve its rating or inspection score. Requested reinspections shall only be performed after a written itemization of corrective measures is submitted by the applicant, together with the appropriate reinspection fee.

(Ord. No. 34, § 8A-16, 11-8-2017)

Sec. 16-68. Notice; conduct of public hearings.

Whenever required under this article, all parties shall be afforded an opportunity for hearing after reasonable notice consistent with this section.

- (1) *Form of notice.* The notice shall include:
 - a. A statement of the time, place and nature of the hearing;
 - b. A statement of the legal authority and jurisdiction under which the hearing is to be held;
 - c. A reference to the particular sections of the statutes and ordinances involved;
 - d. A short and plain statement of the matters asserted.

If the agency or other party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter, upon application, a more definite and detailed statement shall be furnished.

- (2) *Opportunity to be heard.* Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.
- (3) *Disposition of contested cases.* Unless precluded by law, informal disposition may be made of any contested case by stipulation, agreed settlement, consent order, or default.

- (4) *Record of proceedings.* The record in a contested case shall include:
- All pleadings, motions and intermediate rulings;
 - Evidence received or considered;
 - Questions and offers of proof, objections and rulings thereon;
 - Any decision, opinion or report by the officer presiding at the hearing.
- (Code 1961, § 8A-16; Ord. No. 246, § 14, 8-7-1979; Ord. No. 34, § 8A-17, 11-8-2017)

Sec. 16-69. Appeals to the Connecticut Department of Public Health.

The owner or operator of a food establishment aggrieved by an order to correct any inspection violations identified by the food inspector or to hold, destroy or dispose of unsafe food or by the affirmation or modification of an order by the Director of Health, including, but not limited to, an order to suspend or revoke the license to operate the food establishment, may appeal to the Connecticut Department of Public Health pursuant to C.G.S. § 19a-229. During such appeal, the order or decision of the Director of Health shall remain in effect unless the Commissioner of the Connecticut Department of Public Health orders otherwise.

(Ord. No. 34, § 8A-18, 11-8-2017)

Sec. 16-70. Service of notices.

A notice provided for in this article is properly served when it is delivered to the license holder or person in charge, or when it is sent by registered or certified mail—return receipt requested—to the last known address of the license holder. If one or more persons to whom such notice is addressed cannot be found after diligent effort to do so, service may be made upon such person or persons by posting a notice in or about the food establishment or by causing such notice to be published in a newspaper of general circulation for a period of five (5) consecutive days.

(Code 1961, § 8A-17; Ord. No. 246, § 8, 8-7-1979; Ord. No. 34, § 8A-19, 11-8-2017)

Sec. 16-71. Violations; penalties other than suspension and revocation of licenses.

Any person who shall violate any of the provisions of this article and/or the Public Health Code of the State of Connecticut shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than one hundred dollars (\$100.00). In addition thereto, such person may be enjoined from continuing such violations. Each day upon which such a violation occurs shall constitute a separate violation.

(Code 1961, § 8A-18; Ord. No. 246, § 15, 8-7-1979; Ord. No. 34, § 8A-20, 11-8-2017)

Secs. 16-72—16-126. Reserved.

ARTICLE IV. SEPTIC TANKS AND SUBSURFACE SEWAGE DISPOSAL SYSTEMS

Sec. 16-127. Septic tank notice.

Whenever the Health and Human Services Department of the City of Danbury issues a subsurface sewage disposal permit, the Department is authorized to record in the land records of the City of Danbury a notice to the record holder of title or to his successors in title concerning said permit. Said notice may contain, but is not limited to, the following information:

- (1) The number of the permit.
 - (2) The name of the person to whom the permit was issued.
 - (3) The date the permit was issued.
 - (4) The premises for which the permit was issued.
 - (5) Any limitations which apply to said permit.
- (Code 1961, § 9-6; Ord. No. 186, 6-5-1973)

Sec. 16-128. Test holes for obtaining septic tank permits to be filled; penalty.

(a) Whenever a test hole is dug for the purpose of obtaining a septic tank permit, said test hole shall be filled immediately upon the completion

of the test; or such test hole may be covered with an artificial cover sufficient to prevent a person or animal from falling into such hole, provided that such hole must be filled within seventy-two (72) hours after inspection by the Health and Human Services Department Inspector.

(b) Any person who shall violate any of the requirements of this section shall be punished as provided for in section 1-8.
(Code 1961, § 9-7; Ord. No. 203, §§ 1, 2, 7-2-1974)

Sec. 16-129. Subsurface sewage disposal system permit.

(a) No subsurface sewage disposal system permit shall be issued by the Health and Human Services Department of the City of Danbury until the applicant has paid the required permit fee of one hundred fifty dollars (\$150.00). No subsurface sewage disposal system shall be repaired until a permit authorizing said repair has been issued by the Health and Human Services Department of the City of Danbury and the applicant has paid the required permit fee of one hundred fifty dollars (\$150.00).

(b) In addition, when required by the Director of the Danbury Health and Human Services Department pursuant to subsection 19-13-B103c or 19-13-B103e of the Public Health Code of the State of Connecticut, the proposed system shall be based upon a plan prepared by a professional engineer, registered in the State of Connecticut. In that event, no permit shall be issued until such plan has been submitted to and approved by the department and the required fee has been paid. The fee for review of the aforesaid plans shall be in the amount of one hundred fifty dollars (\$150.00). Further, when required by the Director of the Danbury Health and Human Services Department, the proposed system for properties not subject to subsections 19-13-B103c or 19-13-B103e of the Public Health Code of the State of Connecticut shall be based on a plan prepared by a Connecticut licensed subsurface sewage installer. In that event, no permit shall be issued until such plan has been submitted to and approved by the department and the

required fee has been paid. The fee for review of the aforesaid plans shall be in the amount of one hundred fifty dollars (\$150.00).

(c) In those instances where a professional engineer prepares a plan pursuant to subsection 19-13-B100a of the Public Health Code of the State of Connecticut, no plan approval shall be given until the required fee has been paid. The fee for the review for the aforesaid plans shall be in the amount of two hundred fifty dollars (\$250.00). Further, in those instances where a professional engineer prepares a plan for retroactive approvals pursuant to subsection 19-13-B100a of the Public Health Code of the State of Connecticut, no plan approval shall be issued until such plan has been submitted to and approved by the department and the required fee has been paid. The fee for review of the aforesaid plans shall be in the amount of two hundred fifty dollars (\$250.00).

(d) In those instances where a licensed subsurface sewage installer prepares a plan pursuant to subsection 19-13-B100a of the Public Health Code of the State of Connecticut, no plan approval shall be given until the required fee has been paid. The fee for the review for the aforesaid plans shall be in the amount of two hundred dollars (\$200.00). Further, in those instances where a licensed sub-surface sewage installer prepares a plan for retroactive approvals pursuant to subsection 19-13-B100a of the Public Health Code of the State of Connecticut, no plan approval shall be issued until such plan has been submitted to and approved by the department and the required fee has been paid. The fee for review of the aforesaid plans shall be in the amount of two hundred dollars (\$200.00).

(e) In those instances where plans prepared by a professional engineer or subsurface sewage installer are revised by the applicant, as opposed to those revisions requested by the Danbury Health and Human Services Department, no plan approval shall be given until a fee of fifty dollars (\$50.00) is paid for each applicant revision.

(Code 1961, § 9-8; Ord. No. 395, 6-5-1990; Ord. No. 463, 5-4-1993; Ord. No. 560, 5-15-2001; Ord. No. 591, 1-21-2003; Ord. No. 700, § 9-8, 4-6-2010)

Secs. 16-130—16-156. Reserved.

ARTICLE V. CONTAGIOUS DISEASES*

Sec. 16-157. Reports of hotel and lodging-house keepers, householders.

Every hotel or lodginghouse keeper and every householder in whose dwelling shall occur a case of diphtheria, scarlet fever, smallpox, cholera, typhus fever or any other malignant, contagious or infectious disease shall, within six (6) hours after such disease appears, report the same to the Health Officer.

(Code 1925, § 80; Code 1961, § 9-40)

Sec. 16-158. Reports of physicians; exclusion of children from schools.

Every physician who shall attend any person afflicted with any of the diseases enumerated in section 15-157 shall forthwith report the same to the Health Officer, giving the name and age of patient, the name of the disease and the street and number, if any, where said patient resides, and the name of any child residing thereat who attends any public or private school. Such child shall be excluded from said school until said physician shall certify that danger of contagion or infection is passed.

(Code 1925, § 81; Code 1961, § 9-41)

Sec. 16-159. Duty of school teachers to report.

It shall be the duty of every school teacher, whenever he shall become cognizant of the existence of any such malignant, infectious or contagious disease, to forthwith report the same to the Health Officer.

(Code 1925, § 85; Code 1961, § 9-42)

Sec. 16-160. Confinement of patients, disinfection of premises and articles by officers.

The Health Officer may order any person found to be infected with any malignant, infectious or contagious disease into confinement as

*State law references—List of reportable communicable diseases, C.G.S. § 19a-215; vaccinations, C.G.S. § 19a-222.

such place as he sees fit, there to remain until a physician shall certify that danger of infection or contagion is passed. Said Officer may order such disinfection and fumigation of the premises and disposal of infected articles as he may deem necessary for public safety.

(Code 1925, § 82; Code 1961, § 9-43)

Sec. 16-161. Carrying infected persons in public vehicles.

No owner or driver of any vehicle of any kind used by the public shall knowingly carry or permit to be carried therein any person who is afflicted with any malignant, infectious or contagious disease, without a permit from the Health Officer, and, having carried such person with such permit, shall forthwith carry out and perform any order of the Health Officer relative to the disinfection of said vehicle.

(Code 1925, § 84; Code 1961, § 9-44)

Sec. 16-162. Permit required for public funeral.

No public funeral shall be held of any person who may die from any malignant, infectious or contagious disease, without a permit from the Health Committee.

(Code 1925, § 86; Code 1961, § 9-45)

Sec. 16-163. Effect of quarantining premises.

Except for the attending physician, no person shall enter into or depart from any building in which a malignant, infectious or contagious disease exists, after the same shall be quarantined by the health committee, without a permit from the Health Officer.

(Code 1925, § 87; Code 1961, § 9-46)

Sec. 16-164. Destroying, defacing quarantine notice.

No person shall tear down, overthrow or deface any notice or flag which shall be put up to give warning of any malignant, infectious or contagious disease, or of the quarantine of the place where such disease exists.

(Code 1925, § 88; Code 1961, § 9-47)

Sec. 16-165. Vaccinations.

No person shall refuse to be vaccinated whenever an order for the general vaccination of the citizens shall have been made by said health committee, except upon the written certificate of a physician in good standing that such vaccination is unnecessary or will be dangerous to the general health of the person named in said certificate.

(Code 1925, § 83; Code 1961, § 9-48)

Secs. 16-166—16-180. Reserved.

ARTICLE VI. DAY CARE

Sec. 16-181. Definitions.

For the purpose of this article, the following words and phrases have the meanings as set forth in this section:

Child care center means any institution, establishment or place in which are received twelve (12) or more children, not of common parentage, for the purpose of caring apart from their parents or guardians on a regular basis for a part of the twenty-four (24) hours in one or more days in the week irrespective of compensation.

Department of Health and Human Services mean the city Department of Health and Human Services as set forth in the Danbury Municipal Charter.

Director of Health or Director means the city Director of Health or a duly authorized representative.

Group day care home means any institution, establishment or place in which are received not less than seven (7) nor more than twelve (12) children, not of common parentage, for the purpose of caring apart from their parents or guardians on a regular basis for a part of the twenty-four (24) hours in one or more days in the week irrespective of compensation.

(Ord. No. 41, § 5-2, 9-5-2018)

Sec. 16-182. Certificate of inspection required.

No person, group of persons, firm, corporation, agency or other association shall operate a child care center or group day care home within the city without a child care center or group day care home certificate of inspection, respectively, issued by the Director of Health in accordance with this article.

(Ord. No. 41, § 5-3, 9-5-2018)

Sec. 16-183. Application.

(a) Applications for a child care center or group day care home shall be made to the Director of Health upon forms provided by the Director and shall contain the information required by this article and the state statutes and regulations.

(b) Upon receipt of an application for a certificate of inspection, the Director of Health shall issue such certificate of inspection if, upon inspection and investigation, the Director finds that the applicant, the facilities and the program meet the health, educational and social needs of children likely to attend the child care center or group day care home and it complies with the state licensing requirements established in C.G.S. §§ 19a-77 to 19a-80 and C.G.S. §§ 91a-82 to 19a-87a, inclusive. Each certificate of inspection will be for a term of one year, renewable each year on April 1. It may be suspended or revoked after notice and hearing as provided in sections 16-187 through 16-189.

(Ord. No. 41, § 5-4, 9-5-2018)

Sec. 16-184. Investigation.

Any person, group of persons, firm, corporation, agency or other association desiring to operate a child care center or group day care home within the city shall designate an individual who will be held responsible for the operation and maintenance of the child care center or group day care home. No child care center or group day care home certificate of inspection shall be issued until the Director of Health has inspected the premises and other facilities of the applicant and determined that the premises, personnel and equipment of such proposed

establishment conforms to this article, proper standards of sanitation, as well as state and municipal public health and safety laws, regulations and ordinances. Notwithstanding the state's licensing requirements, no child care center or group day care home shall operate within city limits until after an inspection and approval of the premises by the Fire Marshal and Building Inspector.

(Ord. No. 41, § 5-5, 9-5-2018)

Sec. 16-185. Fees.

The Director of Health shall establish a schedule of annual fees, including inspection fee and plan review fee, subject to approval and adoption by resolution of the city council.

(Ord. No. 41, § 5-6, 9-5-2018)

Sec. 16-186. Transferability.

No child care center or group day care home certificate of inspection shall be transferable.

(Ord. No. 41, § 5-7, 9-5-2018)

Sec. 16-187. Suspension.

If upon inspection of the child care center or group day care home it is determined that there is a failure to comply with the criteria established by municipal ordinances or state sanitary and public health laws, the Director of Health shall provide by certified mail, return receipt requested, or by hand delivery, a written warning to remedy such condition within five calendar days of the date of mailing or hand delivery. If upon completion of the five days the condition has not been corrected, the Director of Health shall serve written notice by certified mail, return receipt requested suspending the certificate of inspection and stating the particular reasons for the suspension. In the event that the Director of Health determines that such violations as noted in this article pose an immediate and substantial threat to public health or safety, the Director may immediately suspend the certificate of inspection for such establishment.

(Ord. No. 41, § 5-8, 9-5-2018)

Sec. 16-188. Reinstatement.

A suspended certificate of inspection may be reinstated in writing by the Director of Health when upon reinspection the conditions causing the suspension are found to have been corrected, and there being no other violations found.

(Ord. No. 41, § 5-9, 9-5-2018)

Sec. 16-189. Revocation.

(a) A certificate of inspection shall be automatically revoked upon failure to pay the annual inspection fee.

(b) Following the suspension of a certificate of inspection, the Director of Health may revoke any certificate of inspection required to operate a child care center or group day care home for failure to comply with any written order of the Director of Health requiring compliance with this article.

(c) A written notice of the revocation shall be sent by certified mail, return receipt requested, or hand delivered to the establishment. The notice shall state that the certificate of inspection has been revoked and shall set forth the reasons for the revocation.

(d) A revocation notice shall not be issued for at least five days after the suspension of the certificate of inspection.

(Ord. No. 41, § 5-10, 9-5-2018)

Sec. 16-190. Appeal.

An establishment may appeal a written notice suspending or revoking a certificate of inspection under sections 16-187 through 16-189 to the Director of Health. The appeal shall be in writing and must be received by the Director of Health within ten days after the mailing or hand delivery of the suspension or revocation notice. Upon receipt of an appeal, the Director of Health shall within ten days establish a date for a hearing and examine the merits of such case. After a public hearing on the appeal the Director of Health may vacate, modify or affirm such order.

(Ord. No. 41, § 5-11, 9-5-2018)

Sec. 16-191. Reissuance of certificate of inspection.

A revoked certificate of inspection required to operate a child care center or group day care home shall be reissued upon proper application and upon presentation of evidence which satisfies the Director of Health that the deficiencies that caused revocation have been corrected. The fee for the reissuance of a revoked certificate of inspection shall be fifty dollars (\$50.00).

(Ord. No. 41, § 5-12, 9-5-2018)

Sec. 16-192. Violation; penalties.

Any person who violates any provision of this article shall be fined not more than twenty-five dollars (\$25.00) for each violation. It shall be the responsibility of the offender to abate the violation as ordered by the Director of Health. Each day a child care center or group day care home is operated without a certificate of inspection or in other violation of this article shall be deemed a separate offense.

(Ord. No. 41, § 5-13, 9-5-2018)

Chapter 17

RESERVED



Chapter 18

HISTORIC PRESERVATION*

Article I. In General

Secs. 18-1—18-18. Reserved.

Article II. Historic Properties

Sec. 18-19.	Purpose.
Sec. 18-20.	Historic Properties Commission.
Sec. 18-21.	The Old Library.

*State law references—Historic districts, C.G.S. § 7-147a et seq.; historic properties, C.G.S. § 7-147p et seq.



ARTICLE I. IN GENERAL

Secs. 18-1—18-18. Reserved.

ARTICLE II. HISTORIC PROPERTIES*

Sec. 18-19. Purpose.

The purpose of this article is to promote the educational, cultural, economic, and general welfare of the public, through the preservation and protection of certain properties within the City of Danbury and to preserve and protect their distinctive characteristics, architectural and historic integrity, recognizing certain historic properties as landmarks in the history of the City.

(Code 1961, § 13A-76; Ord. No. 695, § (a), 12-2-2008)

Sec. 18-20. Historic Properties Commission.

(a) *Establishment.* The Historic Properties Commission is hereby established and shall have such powers and limitations and perform such functions as shall be prescribed under of C.G.S. ch. 97a, pt. II (C.G.S. § 7-147p et seq.), and as provided in this section. The Historic Properties Study Committee is hereby terminated.

(b) *Authorization.* This section is enacted pursuant to the provisions of C.G.S. ch. 97a, pt. II (C.G.S. § 7-147p et seq.), and incorporates all the powers and duties described therein.

(c) *Commission.* Said Commission shall consist of five (5) regular members and three (3) alternate members all of whom shall be electors of the City of Danbury, holding no salaried municipal office in said town. Commissioners are to be appointed by the Mayor and confirmed by the City Council, and shall serve without compensation. Appointments to the Commission shall be made within thirty (30) days of the effective date of the ordinance from which this section is derived. Alternate members when seated shall have all powers and duties of a member.

*State law reference—Historic properties, C.G.S. § 7-147p et seq.

(d) *Terms.* Initial terms are as follows:

- (1) One (1) member for a term of five (5) years;
- (2) One (1) member for a term of four (4) years;
- (3) One (1) member for a term of three (3) year;
- (4) One (1) member for a term of two (2) years;
- (5) One (1) member for a term of one (1) year; and
- (6) Thereafter, their successors shall be appointed in a like manner for terms of five (5) years.

(e) *Vacancies.* Vacancies shall be filled for the unexpired term and in the same manner as the original appointment. Vacancies shall be filled within ninety (90) days. Any member or alternate may be appointed for another term or terms. Each member and alternate shall continue in office until his successor is duly appointed.

- (1) *Officers.* Annually, the regular members will meet and elect a Chairperson, a Vice-Chairperson, and a clerk from their own members for a term of one (1) year.
- (2) *Alternates.* When a regular member is unavailable to act at a particular time due to absence, or a conflict of interest the Chairperson shall designate an alternate member to act in place of such member, choosing alternates in rotation so that they shall act as nearly equal a number of times as possible. If any alternate is not available in accordance with such rotation, such fact shall be recorded in the minutes of the meeting.

(f) *Quorum.* Three (3) members of the Commission shall constitute a quorum for the transaction of its business, or the performance of its functions and the concurring vote of a majority of those constituting a quorum shall be necessary for the adoption of any recommendation, motions, or other acts of the Commission; except that the affirmative vote of at least three (3) members shall be necessary for the approval of a certificate of appropriateness.

(g) *Powers.* The Commission shall have such powers, shall perform such functions and shall be subject to such limitations as prescribed by C.G.S. ch. 97a, pt. II (C.G.S. § 7-147p et seq.). The Commission shall adopt rules of procedure and regulations not inconsistent with the provisions of said statutes and may accept grants and gifts, employ clerical and technical assistance or consultants, and incur other expenses appropriate to the carrying on of its work, subject to appropriation or receipt of such grants or gifts and expend the same for such purposes.

(h) *Actions.* Action by Commission to prevent illegal acts or to obtain compliance:

- (1) If any provision of C.G.S. ch. 97a, pt. II (C.G.S. § 7-147p et seq.), or any action taken, or ruling made by the Commission has been violated, the Commission may, in addition to other remedies, institute an action in accordance with the provisions of C.G.S. §§ 7-147w and 7-147h, to restrain, correct or remove such violation. Regulations and orders of the Commission issued pursuant to the Connecticut General Statutes or to any regulation or ordinance adopted under the Connecticut General Statutes shall be enforced by the Zoning Enforcement Official or Building Inspector.
- (2) The owner or agent of any building, structure or place where a violation of any provision of C.G.S. ch. 97a, pt. II (C.G.S. § 7-147p et seq.) or of any regulation or ordinance adopted under said sections has been committed or exists, or the lessee or tenant of an entire building, entire structure or place where such violation has been committed or exists, or the owner, agent, lessee or tenant of any part of the building, structure or place in which such violation has been committed or exists, or the agent, architect, builder, contractor, or any other person who commits, takes part or assists in any such violation or who maintains any building, structure or place in which any such violation exists, shall be fined not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00)

for each day that such violation continues; but, if the offense is willful, the person convicted thereof shall be fined not less than one hundred dollars (\$100.00) nor more than two hundred fifty dollars (\$250.00) for each day that such violation continues. The superior court for the judicial district wherein such violation continues or exists shall have jurisdiction of all such offenses, subject to appeal as in other cases. Each day that a violation continues to exist shall constitute a separate offense. All costs, fees and expenses in connection with actions under this section may, in the discretion of the court, be assessed as damages against the violator, which together with reasonable attorney's fees, may be awarded to the Historic Property Commission which brought such action. Any funds collected as fines pursuant to this section shall be used by the Commission to restore the affected buildings, structures, or places to their condition prior to the violation wherever possible and any excess shall be paid to the City of Danbury.

(Code 1961, § 13A-78; Ord. No. 695, §§ (b)–(g), 12-2-2008)

Sec. 18-21. The Old Library.

(a) The premises known as 254 Main Street, the "Old Library," and its site are hereby established as a historic property. The boundaries of this property are hereby fixed and defined as follows:

- (1) A certain piece or parcel of land containing 5,182 square feet (0.119 acre), more or less, situated in the City of Danbury, County of Fairfield and State of Connecticut at 254 Main Street and known as Tax Assessor's Lot No. 114164 (portion of) bounded and described as follows:
 - a. Commencing at a point on the westerly street line of Main Street and the southerly street line of Library Place, which point is the northerly corner of land herein described, said point being the true

point or place of beginning, thence running in a southeasterly direction along the westerly street line of Main Street S. 43° 04' 01" E. a distance of 60.19 feet to a point, thence turning and running in a southwesterly direction through the land of the Grantor S. 47° 53' 08" W. a distance of 94.38 feet to a point, thence turning and running in a northwesterly direction through the land of the Grantor N. 41° 40' 59" W. a distance of 27.50 feet to a point, thence turning and running in a northeasterly direction through the land of the Grantor N. 47° 31' 14" E. a distance of 14.88 feet to a point, thence turning and running in a northwesterly direction through the land of the Grantor the following courses and distances N. 42° 28' 17" W. a distance of 18.61 feet to a point, thence N. 21° 20' 35" W. a distance of 15.84 feet to a point, thence turning and running in a northeasterly direction N. 47° 45' 10" E. a distance of 62.83 feet to a point on the southerly street line of Library Place, thence continuing in a northeasterly direction along the southerly street line of Library Place N. 53° 32' 25" E. a distance of 10.00 feet to the point or place of beginning.

b. Bounded:

1. Northerly: By Library Place.
2. Easterly: By Main Street.
3. Westerly: By other land of Grantor.
4. Southerly: By other land of Grantor.

(b) For a more particular description, reference is made to a map entitled "Map Designating the Boundary of the Historic Property, "The Old Library", Library Place and Main Street, Danbury, Connecticut. Scale: (1" = 10') October 17, 2006," prepared by the Engineering Department of the City of Danbury and certified substantially

correct by Michael S. Pierwola, R.L.S. No. 70139, which map is to be filed in the Danbury Land Records.

(Code 1961, § 13A-77; Ord. No. 695, § (a)(1), 12-2-2008)



Chapter 19

RESERVED



Chapter 20

HOUSING

Article I. In General

- Sec. 20-1. Nonresident landlords; filing with Tax Assessor; civil penalties.
- Sec. 20-2. Municipal Housing Trust Fund established.
- Sec. 20-3. Health and Human Services Department as implementing agency for affordable housing.
- Sec. 20-4. Condominium conversions; moving and relocation costs; landlord prohibited from bringing action under certain circumstances.
- Secs. 20-5—20-26. Reserved.

Article II. Danbury Housing Partnership

- Sec. 20-27. Housing partnership created.
- Sec. 20-28. Duties of Danbury Housing Partnership.
- Sec. 20-29. Standing committees.
- Sec. 20-30. Conflicting resolutions, orders, rules and regulations suspended.
- Sec. 20-31. No conflict with state or federal statutes.
- Sec. 20-32. Expenses of the Danbury Housing Partnership.
- Secs. 20-33—20-52. Reserved.

Article III. Rent Regulation

- Sec. 20-53. Definitions.
- Sec. 20-54. Fair Rent Commission.
- Sec. 20-55. Hearings on a complaint.
- Sec. 20-56. Orders of Commission.
- Sec. 20-57. Standards for determining whether rental charge is excessive.
- Sec. 20-58. Effective date of rent reduction order.
- Sec. 20-59. Escrow account; establishment, purpose, use.
- Sec. 20-60. Time limit to render decision on complaint.
- Sec. 20-61. Retaliatory eviction.
- Sec. 20-62. Landlord retaliation.
- Sec. 20-63. Eligibility to file complaint; defenses to complaint.
- Sec. 20-64. Bylaws and rules of procedures.
- Sec. 20-65. Continuation of proceedings; filing notice of decision on land records.
- Sec. 20-66. Service of notice.
- Sec. 20-67. Penalty for violations.
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- Sec. 20-70. Additions to state law.
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DANBURY CODE

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- Sec. 20-168. Responsibilities of owners and occupants.
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- Sec. 20-170. Minimum standards for basic equipment and facilities.
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- Sec. 20-173. Discontinuance of required services.
- Sec. 20-174. Maximum density, minimum space, use and location requirements.
- Sec. 20-175. Certificate of occupancy requirement.
- Sec. 20-176. Special requirements for roominghouses, dormitories, hotels.

ARTICLE I. IN GENERAL**Sec. 20-1. Nonresident landlords; filing with Tax Assessor; civil penalties.**

(a) *Generally.* The purpose of this section is to improve the quality of life in the City of Danbury by requiring nonresident landlords to file their residential addresses with the City in order that they can be properly and timely contacted by Code Officials to ensure that housing can be maintained in a clean, healthful and livable condition.

(b) *Definitions.* As used in this section, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended.

Address means a location as described by the full street number, if any, the street name, the city or town, and the state, and not a mailing address such as a post office box.

Nonresident landlord means an owner of rental property who does not reside on such property.

(c) *Requirement to file street address.* Each nonresident landlord shall maintain on file in the office of the Tax Assessor, the current residential address of the nonresident owner of such property, if the owner is an individual, or the current residential address of the designated agent in charge of the building if the nonresident owner is a corporation, partnership, trust or other legally recognized entity owning rental real property in Danbury.

(d) *Requirement to file phone numbers.* Each nonresident landlord shall also provide a telephone number where said landlord or agent or property manager authorized to act for said landlord can be reached.

(e) *Change of address.* In the event the residential address specified in subsection (c) of this section changes, notice of the new residential address shall be provided by such nonresident landlord or agent in charge of the building to the office of the Tax Assessor not more than twenty-one (21) days after the date that the address change occurred.

(f) *Failure to file address.* If the nonresident landlord or agent fails to file an address pursuant to this section, the address to which property tax bills are mailed for the rental real property shall be deemed to be the nonresident owner or agent's current address and may be used for enforcement procedures specified in subsection (g) of this section.

(g) *Enforcement/orders.* Service of local or state orders relating to maintenance of such rental real property or compliance with state law or local codes concerning such real property directed to the nonresident landlord or agent at the address on file, or deemed to be on file in accordance with the provisions of this section, shall be sufficient proof of service of notice of such orders in any subsequent civil or criminal action against the owner or agent for failure to comply with such orders. The provisions of this subsection shall not be construed to limit the validity of any other means of giving notice of such orders that may be used by the state or by the City of Danbury.

(h) *Civil penalties.* Any nonresident landlord or agent who violates the provisions of this section shall have committed an infraction punishable by a fine of two hundred fifty dollars (\$250.00) for the first violation and one thousand dollars (\$1,000.00) for any subsequent violation. Enforcement of such penalties shall be through the citation procedures set forth in section 2-2. (Code 1961, § 12-8; Ord. No. 656, 11-9-2007)

State law reference—Penalties for ordinance violations, C.G.S. § 7-148(c)(10)(A).

Sec. 20-2. Municipal Housing Trust Fund established.

Pursuant to the provisions of C.G.S. §§ 7-148(c)(2)(K) and 7-148(c)(4)(I), there is hereby established a Municipal Housing Trust Fund. Any sums deposited in said fund shall be used to provide for the financing, construction, rehabilitation, repair, improvement or subsidization of housing for low-income and moderate-income persons or families. Notwithstanding the provisions of section 7-9 of the Danbury Municipal Charter, no sums remaining in said fund at the completion of any fiscal year shall lapse but shall

remain in said fund until expended or until the Municipal Housing Trust Fund is terminated by action of the City Council.

(Code 1961, § 10-63; Ord. No. 352, 8-4-1987)

Sec. 20-3. Health and Human Services Department as implementing agency for affordable housing.

Pursuant to the provisions of C.G.S. § 8-2g, the Department of Health and Human Services is the designated agency to design and implement a program to establish income criteria in accordance with said section and oversee the sale or rental of any units of affordable housing constructed pursuant to said section to persons and families satisfying such income criteria. The department shall implement said program in conjunction with zoning regulations permitting the construction of affordable dwelling units in excess of applicable density limits as established. (Code 1961, § 10-64; Ord. No. 476, 9-8-1993)

Sec. 20-4. Condominium conversions; moving and relocation costs; landlord prohibited from bringing action under certain circumstances.

In accordance with the Condominium Act of 1976 (C.G.S. § 47-68a et seq.) any declarant of a conversion condominium shall pay moving and relocation expenses to each household which does not purchase its dwelling unit and does not have an income higher than one hundred seventy-five (175) percent of the Federal Community Services Administration poverty guidelines for nonfarming recipients in an amount equal to:

- (1) The amount charged for one (1) month's rent if such monthly rental charge equals or exceeds five hundred dollars (\$500.00); or
- (2) Five hundred dollars (\$500.00) if such monthly rental charge is less than five hundred dollars (\$500.00).

(Code 1961, § 10-55; Ord. No. 269, 2-3-1981)

Secs. 20-5—20-26. Reserved.

ARTICLE II. DANBURY HOUSING PARTNERSHIP*

Sec. 20-27. Housing partnership created.

(a) There is hereby created the Danbury Housing Partnership. The Partnership shall include, but shall not be limited to, the Mayor or his designee and not less than twelve (12) members to be appointed by the Mayor from among the following categories, with consideration given to candidates with demonstrated experience or interest in the area of housing and homelessness:

- (1) Representatives selected from any of the following sources:
 - a. The Planning Commission;
 - b. Zoning Commission;
 - c. Environmental Impact Commission;
 - d. The Danbury Housing Authority; or
 - e. Any local economic or community development agency.
- (2) Representatives of the local business community, such as local bankers, financiers, realtors and developers.
- (3) Representatives of public interest groups, such as housing advocates, members of the clergy, members of local civic groups, human service agencies and representatives of local nonprofit corporations.
- (4) Local urban planning, social service, employment, marketing, communications, land use and housing professionals.

(b) A quorum of the Partnership shall consist of five (5) members. Except as otherwise provided in the Danbury Code of Ordinances, Robert's Rules of Order shall govern the conduct of the meetings and the business of the Partnership.

(c) During the month of November in each even-numbered year, the members of the Danbury Housing Partnership shall elect from among its members a Chairperson, a Vice-Chairperson and a Secretary, each of whom shall hold office

*State law reference—Housing partnerships, C.G.S. § 8-336f.

until his successor has been elected. The Vice-Chairperson shall assume the duties of the Chairperson in case of his absence or inability.

(d) The appointment of all members shall be for a term of three (3) years.

(Code 1961, § 10-75; Ord. No. 371, § 1, 11-1-1988; Ord. No. 446, 7-7-1992; Ord. No. 506, 8-1-1995; Ord. No. 661, 12-5-2006)

Sec. 20-28. Duties of Danbury Housing Partnership.

The duties of the Danbury Housing Partnership, as determined by the Chairperson in consultation with the Mayor, shall include, but shall not be limited to, the following:

- (1) To take measures necessary to implement the plan to end homelessness in ten (10) years as adopted by the City Council of the City of Danbury in March of 2006 (the "plan"), as the same may be amended from time to time, subject to the availability of resources in any given budget year;
- (2) To oversee measures to implement the plan and to monitor and assess the effectiveness of such measures;
- (3) To provide annual reports to the Mayor and the City Council, summarizing the measures taken in the prior year to implement the plan, the results of monitoring the effectiveness of the measures taken and describing the projected administrative and budgetary needs for the next fiscal year;
- (4) To advise the Mayor and the City Council concerning policies, projects, and proposals potentially affecting the homeless to ensure their conformity with the plan;
- (5) To propose to the Mayor and the City Council for review and approval any revisions to the plan determined to be necessary to effectively meet the endorsed aim of eliminating chronic and long-term homelessness by the year 2015;
- (6) To examine and identify housing needs and opportunities in the community;

(7) To identify available public or private land that is suitable for the development of affordable housing;

(8) To review applicable laws, customs, practice and regulations including specifically zoning regulations, to determine whether such laws, customs, practices and regulations restrict the development of affordable housing in community;

(9) To establish priorities to meet identified housing needs in the community;

(10) To recommend activities or projects designed to create additional affordable housing in Danbury.

(Code 1961, § 10-76; Ord. No. 371, § 2, 11-1-1988; Ord. No. 661, 12-5-2006)

Sec. 20-29. Standing committees.

The Danbury Housing Partnership shall establish four (4) standing committees, whose members shall be appointed by the Chairperson of the Partnership. Said Committees shall reflect the major action areas outlined in the Plan. The standing committees shall be as follows:

(1) *The Committee on Housing and Community Development.* Said committee shall, in addition to such other housing needs as identified by the Partnership, be responsible for facilitating the housing development, rehabilitation, preservation and related neighborhood improvement activities outlined in the Plan. The Committee shall encourage the production of permanent and supportive housing proposed in the plan and shall assist the social and supportive services committee and ensure that development activities for the benefit of the homeless population are coordinated with the City of Danbury.

(2) *The Social and Supportive Services Committee.* Said Committee shall be responsible for supporting and monitoring the point of entry system as well as for coordinating activities with the Danbury Continuum of Care. Among other things the committee shall also be

responsible for discharge planning, eviction prevention, cost management, transitional housing services, housing authority preference policies, expansion of homeless services and the coordination of services for the homeless. The Committee shall coordinate its efforts with those of the housing and community development committee to ensure that the appropriate transition and support services are in place for the benefit of the homeless population.

- (3) *The Financial Resources and Fundraising Committee.* Said Committee shall be responsible for aggressive pursuit of financial resources necessary to implement the initiatives identified in the Plan and for coordinating efforts to avoid duplication and unnecessary competition among organizations committed to the achievement of plan objectives. The Committee shall advise the partnership and the Mayor as to whether or not the service and development proposals from organizations with similar missions are consistent with the objectives of the plan.

- (4) *The Public Relations, Marketing and Education Committee.* Said Committee shall be responsible for keeping the Mayor, City Council and the general public informed about the progress being made by the Partnership to implement the plan. The committee shall be responsible for the creation of a web page devoted to the Partnership and for coordination of effort with other committees to develop marketing materials to support fundraising and program development activities. The Committee shall be responsible for facilitating the training and educational recommendations contained in the Plan.

(Code 1961, § 10-77; Ord. No. 371, § 3, 11-1-1988; Ord. No. 661, 12-5-2006)

Sec. 20-30. Conflicting resolutions, orders, rules and regulations suspended.

At all times when any orders, rules and regulations made and promulgated pursuant to this article shall be in effect, they shall supersede

all existing resolutions, orders, rules and regulations insofar as the latter may be inconsistent therewith.

(Code 1961, § 10-78; Ord. No. 371, § 4, 11-1-1988)

Sec. 20-31. No conflict with state or federal statutes.

This article shall not be construed so as to conflict with any state or federal statute, rule or regulation.

(Code 1961, § 10-79; Ord. No. 371, § 5, 11-1-1988)

Sec. 20-32. Expenses of the Danbury Housing Partnership.

No person shall have the right to expend any public funds of the City in carrying out any partnership activities authorized by this article without prior approval by the City Council nor shall any person have any right to bind the City by contract, agreement or otherwise without prior and specific approval of the City Council.

(Code 1961, § 10-80; Ord. No. 371, § 6, 11-1-1988)

Secs. 20-33—20-52. Reserved.

ARTICLE III. RENT REGULATION*

Sec. 20-53. Definitions.

Except in those situations where the context specifically indicates otherwise, the meaning of the terms used in this article shall be as follows:

Commission means the Fair Rent Commission of the City of Danbury, Connecticut.

Housing accommodations means place of residence, including any land or building appurtenant thereto, and mobile homes and mobile home park lots, except the following:

- (1) A hospital, convent, monastery, asylum, public institution, college or school dormi-

*State law reference—Rent regulation, C.G.S. § 7-148b et seq.

tory, or any institution operated exclusively for charitable or educational purposes.

- (2) Any housing accommodations owned and operated by the United States, the State of Connecticut, the City of Danbury, the Housing Authority of the City of Danbury, or by any agency or political subdivision of the above.

Landlord means any person who leases, subleases, rents, or permits the occupancy of any housing accommodation, including a person who manages a housing accommodation owned by someone else.

Person means any individual, partnership, corporation, association, or other business entity, or other association or group, which provides housing accommodations as defined herein.

Rent or rental charges means any consideration, monetary or otherwise, including any bonus, benefit or gratuity, demanded or received for the use or occupancy of any housing accommodation.

Tenant means any person who rents or leases any housing accommodation, as defined in this section, as a residence for himself and/or his immediate family, whether by written or oral lease.

(Code 1961, § 10-32; Ord. No. 149, § 2, 6-25-1970; Ord. No. 239, 2-6-1979)

Sec. 20-54. Fair Rent Commission.

(a) *Created; purpose.* Pursuant to and in conformity with C.G.S. §§ 7-148b—7-148f, there is hereby created a Commission known as the Fair Rent Commission for the purpose of controlling and eliminating excessive rental charges on residential property within the City of Danbury. This article is enacted in recognition of the compelling need for rent stabilization for the duration of a severe housing shortage in the City of Danbury.

(b) Membership.

- (1) The Commission shall consist of nine (9) members, all of whom shall be resident electors of the City of Danbury. The

members shall be appointed by the Mayor subject to confirmation by a majority vote of the City Council.

- (2) In addition, the Mayor shall appoint two (2) resident electors to serve as alternates, subject to approval by the City Council. Either of said alternates shall act in the place of a regular member who is either absent or disqualified from serving. The term of office of said alternates shall be for a period of three (3) years, or until their successors have been chosen and qualified.

(c) *Terms of office.* Members of the Commission shall be appointed for terms of three (3) years.

(d) *Powers.* Pursuant to C.G.S. §§ 7-148b through 7-148f the Commission shall have the following powers, consistent with budgetary limitations imposed by the City Council:

- (1) To make such studies and investigations into rentals charged for housing accommodations within the City of Danbury as are appropriate to carry out the duties and responsibilities delegated hereunder, and subject to the terms, limitations and conditions set forth herein.
- (2) To receive complaints, inquiries, and other communications concerning alleged excessive rental charges in housing accommodations within the City.
- (3) To conduct hearings on complaints or requests for investigation submitted to it by any person, subject to the terms, limitations and conditions as set forth herein.
- (4) To determine, after a hearing as set forth herein, whether or not the rent for any housing accommodation is so excessive as to be harsh and unconscionable.
- (5) To order a reduction of any excessive rent to an amount which is fair and equitable, and to make such other orders as are authorized herein.

(e) *Organization and procedures.*

- (1) The Commission shall elect from its own membership such officers as it deems appropriate. In any event, it shall elect a Chairperson, who shall preside over its meetings.
- (2) A quorum for any meeting shall consist of at least four (4) members of the Commission. Provided, however, in any hearing on a complaint concerning an excessive rental charge, the Commission shall not conduct the hearing unless there are at least five (5) members present; the Commission shall not order any rent reduction or make any determination that a rent is so excessive as to be harsh and unconscionable, except on the concurring vote of a majority of the members present at said hearing.
- (3) The Commission shall conduct regular meetings, open to the public, to transact whatever business is properly before said Commission. The Commission shall determine the time, dates and places of said meetings, and shall announce the same in advance of said meetings.

(Code 1961, §§ 10-31, 10-33—10-36; Ord. No. 149, §§ 1, 3—6, 6-25-1970; Ord. No. 178, 9-5-1972; Ord. No. 239, 2-6-1979)

Sec. 20-55. Hearings on a complaint.

(a) Upon receipt of a complaint that a rental is so excessive as to be harsh and unconscionable, the Commission shall investigate the complaint and determine whether the complaint presents an appropriate matter for consideration by the Commission. In the event that the Commission finds that the complaint involves a matter within the jurisdiction of the Health and Human Services Department of the City of Danbury, or of any other public agency, it shall refer the matter to the appropriate board or agency for action, and, in an appropriate case, shall concurrently exercise its powers hereunder.

(b) A hearing on said complaint shall be scheduled if the Commission determines, after receipt of the complaint, that a hearing is justified. Written notice of the date, time and place of

the hearing shall be given by mailing a notice thereof, by certified, return-receipt-requested mail, postage prepaid, to the landlord and the tenant, at least seven (7) days prior to said hearing. The persons entitled to receive said notice as set forth herein are hereinafter designated as the parties to the complaint.

(c) At the hearing, each party shall have the right to offer such testimony, exhibits and witnesses as the party deems necessary or appropriate.

(d) The testimony of all persons shall be under oath, and any member of the Commission is hereby authorized to administer the oath to a witness.

(e) The Commission shall have the power to subpoena any person to appear before the Commission, and shall have the power to compel the production of any books or documents relating to any matter before the Commission.

(f) Any party shall have the right to be represented by any person duly authorized by said party at any hearing. In addition, any party shall have the right, either himself, or through his representative, to cross-examine any witnesses produced at the hearing and to examine all documents offered in evidence.

(g) The Commission shall have the right to request the assistance of any department of the City government, including any available records, information or expert witnesses which the agency may have in its employ.

(h) The Commission is empowered to hire or retain any expert real estate appraisers and legal counsel or other competent experts to advise it.

(i) In the event that there is insufficient time to complete a hearing, the Commission shall have the power to adjourn the hearing to another time and date.

(j) After the completion of the public hearing and the receipt of all evidence, testimony and exhibits to be submitted by the parties to it, the Commission shall make such orders as are authorized herein.

(k) The Commission shall retain a competent stenographer or use a recording device to record the evidence, minutes and proceedings of the Commission on any complaint.

(l) The designated members of the Commission shall have the power to meet with the parties, if the parties request and consent as hereinafter provided, on an informal basis in a session closed to the public if, after notice, no member of the public seeks admission, to attempt to reconcile the differences between the parties to any complaint, but shall take no evidence or make any decision thereat. Any agreement between the parties made as a result of said informal conference must be in writing and fully enforceable by the Commission and shall include a waiver of a formal hearing during its effective term. The informal meeting shall be conducted by two (2) members of the Commission appointed for each case by the Chairperson, one (1) of whom may be the Chairperson. The Commission members so assigned shall take no part of any formal hearing, if any, thereafter held on the case.

(Code 1961, § 10-37; Ord. No. 149, § 7, 6-25-1970; Ord. No. 239, 2-6-1979; Ord. No. 424, 8-6-1991)

Sec. 20-56. Orders of Commission.

Subsequent to the hearing the Commission shall have the power to:

- (1) Order a reduction or freeze of the rental charge for a period not to exceed one (1) year for any housing accommodation where the rental charge is so excessive as to be harsh and unconscionable to an amount which is fair and equitable, subject to the standards set forth in section 20-57.
- (2) Refer the matter to the appropriate City agency or the law enforcement authorities for enforcement of the appropriate municipal ordinance, Connecticut General Statutes or state regulation, if the Commission determines that the housing accommodation in question fails to comply

with any municipal ordinance or Connecticut General Statutes or state regulation relating to health and safety.

- (3) Dismiss the complaint.
- (4) Continue, review, terminate or suspend all of its orders and decisions.
- (5) Continue the complaint for final disposition if it finds that the complaint involves a matter which can be corrected or adjusted between the parties and it finds that such a continuance would be appropriate under the circumstances.
- (6) Order payment of the rent in escrow to the Commission or, in lieu thereof, order the posting of a sufficient performance bond by the landlord until such time as the landlord has corrected any health and safety violations which have been found to exist, and which the Health and Human Services Department of the City of Danbury has investigated and has certified to the Commission as existing Code violations relating to health or safety.

(Code 1961, § 10-38; Ord. No. 149, § 8, 6-25-1970; Ord. No. 239, 2-6-1979; Ord. No. 424, 8-6-1991)

State law reference—Similar provisions, C.G.S. § 7-148d.

Sec. 20-57. Standards for determining whether rental charge is excessive.

In determining whether a rental charge is so excessive, with due regard to all the circumstances, as to be harsh and unconscionable, consideration shall be given to the following circumstances:

- (1) The rents charged for the same number of rooms in other housing accommodations in the same and in other areas of the municipality;
- (2) The sanitary conditions existing in the housing accommodations in question;
- (3) The number of bathtubs or showers, flush water closets, kitchen sinks and lavatory basins available to the occupants thereof;

- (4) Services, furniture, furnishings and equipment supplied therein;
- (5) The size and number of bedrooms contained therein;
- (6) Repairs necessary to make such accommodations reasonably livable for the occupants accommodated therein;
- (7) The amount of taxes and overhead expenses thereof;
- (8) Whether the accommodations are in compliance with the ordinances of the municipality and the General Statutes relating to health and safety;
- (9) Annual return and profits on the landlord's investments;
- (10) The income of the complainant and the availability of accommodations;
- (11) The availability of utilities;
- (12) Damages done to the premises by the tenant, caused by other than ordinary wear and tear;
- (13) Whether and to the extent to which the income from an increase in rental charges has been or will be reinvested in improvements to the accommodations;
- (14) The amount and frequency of increases in rental charges.

(Code 1961, § 10-39; Ord. No. 149, § 9, 6-25-1970; Ord. No. 239, 2-6-1979; Ord. No. 424, 8-6-1991)

State law reference—Similar provisions, C.G.S. § 7-148c.

Sec. 20-58. Effective date of rent reduction order.

Any order of rent reduction shall become effective on the next due date of the rent after the filing of the complaint. The existing rent which becomes due and payable during the course of proceedings before the Commission shall continue to be paid to the landlord, unless the housing accommodation in question fails to comply with any municipal ordinances or Connecticut General Statutes or state regulations relating to health and safety, in which event the rent shall be paid to the Commission in escrow.

The amount of any increase in rent shall likewise be paid to the Commission in escrow and not to the landlord.

(Code 1961, § 10-40; Ord. No. 149, § 10, 6-25-1970; Ord. No. 239, 2-6-1979; Ord. No. 424, 8-6-1991)

Sec. 20-59. Escrow account; establishment, purpose, use.

If required the Commission shall establish an escrow savings account with a local bank or financial institution into which it shall deposit all rents or other funds paid to it within five (5) business days of receipt. Such funds shall be held in the escrow savings account until such time as compliance with the ordering necessitating the establishment of the account is achieved; or until the Commission acts on the complaint, or makes other appropriate order; or until a further order is made by a court of competent jurisdiction. Provided, however, the Commission may provide for the payment of the landlord's mortgage, taxes and insurance and his cost of heat, water, electricity and other essential utilities when the expenses become due and payable. In addition, at its discretion, the Commission may order payment of other necessary expenses which are due and payable, or may order payment of the full balance to the landlord in cases of unusual hardship. Any interest earned may be used as provided herein and, upon payment of the balance in whole or in part to the landlord, shall be remitted to the landlord.

(Code 1961, § 10-41; Ord. No. 149, § 11, 6-25-1970; Ord. No. 239, 2-6-1979; Ord. No. 424, 8-6-1991)

Sec. 20-60. Time limit to render decision on complaint.

The Commission shall render its decision on any complaint filed with it by a tenant no later than sixty (60) days after the date of the filing of said complaint. Provided, however, the time limit for deciding any such complaint may be extended by the Commission in any case involving unusual hardship or administrative difficulties.

(Code 1961, § 10-42; Ord. No. 149, § 12, 6-25-1970; Ord. No. 239, 2-6-1979)

Sec. 20-61. Retaliatory eviction.

In any action for summary process, it shall be an affirmative defense pursuant to C.G.S. § 47a-33 that the plaintiff brought such action against the tenant solely because of a complaint filed with the Commission or because the tenant or complainant has taken any other action with reference to a matter covered by this article.

(Code 1961, § 10-43; Ord. No. 149, § 13, 6-25-1970; Ord. No. 239, 2-6-1979)

Sec. 20-62. Landlord retaliation.

(a) *When actions deemed retaliatory.* Pursuant to C.G.S. § 47a-20, it shall be a retaliatory action for a landlord to demand an increase in rent from any tenant or to decrease the services to which any tenant has been entitled within six (6) months after:

- (1) The tenant has in good faith attempted to remedy by any lawful means, including contacting officials of the state or of the City or any public agency thereof or filing a complaint with the Fair Rent Commission, any condition constituting a violation of any provisions of either C.G.S. ch. 368a (C.G.S. § 19a-355 et seq.) or 412 (C.G.S. § 21-64 et seq.), or of any other state statute or regulation, or of the housing and health ordinances of the City;
- (2) Any municipal agency or official has filed a notice, complaint or order regarding such violation;
- (3) The tenant has in good faith requested the landlord to make repairs;
- (4) The tenant has in good faith instituted an action under C.G.S. § 47a-14h(a) through (i); or
- (5) The tenant has organized or become a member of a tenants' union.

(b) *Investigation of claims; hearings.* Upon the receipt of any claim of retaliatory action, the Commission shall inform the landlord of the claim and shall investigate the claim. If the claim is not resolved through conciliation, the Commission shall convene a hearing within sixty

(60) days of the filing of the claim for the purpose of determining whether the landlord has engaged in a retaliatory action and the Commission shall render its decision within thirty (30) days of the hearing of the case.

(c) *Action of landlord and tenant pending determination by Commission.* Pending a determination by the Commission, the landlord shall not pursue a demand for an increase in rent from the tenant or decrease any services to which the tenant is entitled and the tenant shall continue to pay the amount of rent in effect at the time of the claim of retaliatory action.

(d) *Cease and desist order.* If after such hearing the Commission finds that the landlord has engaged in a retaliatory action in violation of the provisions of this section, the Commission may order the landlord to cease and desist from demanding an increase in rent from the tenant or from decreasing the services to which the tenant has been entitled.

(Code 1961, § 10-44; Ord. No. 424, 8-6-1991)

Sec. 20-63. Eligibility to file complaint; defenses to complaint.

Any tenant shall be eligible to file a complaint with the Commission. It shall be an affirmative defense to any complaint that the tenant is delinquent in the payment of rent, or is responsible for damage or other adverse conditions existing within the leasehold premises. If the Commission, after investigation or hearing, finds that the tenant is delinquent in his rent, or is responsible for damages within the leasehold premises, it shall not act upon the complaint until such time as the tenant has paid into escrow with the Commission an amount sufficient to pay for the damages, or has paid the delinquency in rent. Provided, if the Commission finds that the reason for the tenant's delinquency was a harsh and unconscionable rent, or if the Commission finds that the delinquency is the result of exceptional hardship, then it shall consider the complaint, notwithstanding the provisions of this section. This exception shall not be construed to give the Commission the power to waive any amount of past rent which is due, or to make any retroac-

tive order. The Commission shall not conduct a hearing on any complaint of any tenant who it finds is bringing the complaint for the purpose of harassing, annoying or embarrassing the landlord, or upon the complaint of any tenant who it finds is using the procedures of the Commission in an attempt to defeat a summary process action.

(Code 1961, § 10-45; Ord. No. 149, § 14, 6-25-1970; Ord. No. 239, 2-6-1979; Ord. No. 424, 8-6-1991)

Sec. 20-64. Bylaws and rules of procedures.

The Commission shall be empowered to enact such bylaws and regulations as are necessary for the conduct of its business, provided no bylaw or regulation shall be in conflict with any provision of this article as set forth herein. Provided further, however, no bylaws or regulations shall become effective unless published in advance.

(Code 1961, § 10-46; Ord. No. 149, § 15, 6-25-1970; Ord. No. 239, 2-6-1979; Ord. No. 424, 8-6-1991)

Sec. 20-65. Continuation of proceedings; filing notice of decision on land records.

All proceedings shall continue regardless of the fact that a tenant may quit the housing accommodation in question. No sale, assignment or transfer of the housing accommodation in question shall be cause for discontinuing any pending proceeding, nor shall it affect the rights, duties and obligations of the Commission or the parties thereto. The Commission may file a notice of decision on the land records of the City.

(Code 1961, § 10-47; Ord. No. 149, § 16, 6-25-1970; Ord. No. 239, 2-6-1979; Ord. No. 424, 8-6-1991)

Sec. 20-66. Service of notice.

All notices with regard to any complaint shall be served by certified mail, return receipt requested, postage prepaid, upon the landlord and the tenant. If any notice is returned without having been delivered, the Commission may arrange for service by a deputy sheriff, constable of the City of Danbury, or indifferent person in

the same manner as is provided in the Connecticut General Statutes for service of process in an ordinary civil action.

(Code 1961, § 10-48; Ord. No. 149, § 17, 6-25-1970; Ord. No. 239, 2-6-1979; Ord. No. 424, 8-6-1991)

Sec. 20-67. Penalty for violations.

Pursuant to C.G.S. § 7-148f, any person who violates any order of rent reduction or rent suspension by demanding, accepting or receiving an amount in excess thereof while such order remains in effect, and no appeal pursuant to C.G.S. § 7-148e is pending; or violates the provisions of this article or of C.G.S. §§ 7-148b through 7-148e; or who refuses to obey any subpoena, order or decision of the Commission pursuant thereto shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) for each offense. If such offense continues for more than five (5) days, it shall constitute a new offense for each day it continues to exist thereafter. No action shall be taken on any such violation by the Corporation Counsel of the City except upon written complaint of the Chairperson of the Commission or his designee after an affirmative vote of three (3) members present and voting at a meeting of the Commission.

(Code 1961, § 10-49; Ord. No. 424, 8-6-1991)

Sec. 20-68. Enforcement of orders of Commission.

The Commission is empowered to bring a civil action to any court of competent jurisdiction to enforce any order of the Commission made pursuant to this article, or to enjoin a violation or threatened violation of any order of the Commission, or to seek damages incurred as a result of the violation of any order of the Commission made pursuant to this article.

(Code 1961, § 10-50; Ord. No. 149, § 18, 6-25-1970; Ord. No. 239, 2-6-1979; Ord. No. 424, 8-6-1991)

Sec. 20-69. Other remedies preserved.

The provisions of this article shall not affect or limit the right of the landlord to institute a

summary process action as provided by the Connecticut General Statutes, nor shall this article affect the right of the landlord, tenant, mortgagee or encumbrancer of record to institute any action authorized by law.

(Code 1961, § 10-52; Ord. No. 149, § 20, 6-25-1970; Ord. No. 239, 2-6-1979)

Sec. 20-70. Additions to state law.

Any addition to the state law referring to Fair Rent Commissions will be automatically incorporated into this article.

(Code 1961, § 10-53; Ord. No. 239, 2-6-1979)

Secs. 20-71—20-98. Reserved.

ARTICLE IV. MAINTENANCE AND OCCUPANCY CODE*

DIVISION 1. GENERALLY

Sec. 20-99. Definitions.

The following definitions shall apply in the interpretation and enforcement of this article:

Meaning of certain terms. Whenever the term "dwelling," "dwelling unit," "rooming units," "premises," or "structure" is used in this article, it shall be construed as though it was followed by the term "or any part thereof." Words used in the singular include the plural, and the plural the singular, the masculine gender includes the feminine and the feminine the masculine.

Accessory structure means a detached structure located on or partially on any premises, which is not used or intended to be used for living or sleeping by human occupants.

Appropriate authority means that person within the governmental structure of the corporate unit charged with the administration of the appropriate code.

Approved means approved by the local or state authority having such administrative authority.

*State law reference—Rental housing, C.G.S. § 47a-50 et seq.

Ashes means the residue from the burning of combustible materials.

Attic means any story situated wholly or partly within the roof and so designed, arranged or built as to be used for business, storage or habitation.

Basement means the lowest story of the building, below the main floor and wholly or partially lower than the surface of the ground.

Building means a fixed construction with walls, foundation and roof, such as a house, factory, garage, etc.

Cellar means a room or group of rooms totally below the ground level and usually under a building.

Central heating system means a single system supplying heat to one (1) or more dwelling units or more than one (1) rooming unit.

Chimney means a vertical masonry shaft of reinforced concrete or other approved noncombustible, heat-resisting material enclosing one (1) or more flues, for the purpose of removing products of combustion from solid, liquid or gas fuel.

Dilapidated means no longer adequate for the purpose or use for which it was originally intended.

Director of Health means the Director of Health of the City of Danbury, or his duly authorized personnel.

Dormitory means a building or group of rooms in a building used for institutional living and sleeping purposes by four (4) or more persons.

Dwelling means any enclosed space which is wholly or partly used or intended to be used for living and sleeping by human occupants, provided that single-family owner-occupied buildings as well as temporary housing as defined in this section shall not be regarded as a dwelling.

Dwelling unit means any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

Egress means an arrangement of exit facilities to ensure a safe means of exit from a building.

Extermination means the control and elimination of insects, rodents or other pests by:

- (1) Eliminating their harborage places;
- (2) Removing or making inaccessible materials that may serve as their food;
- (3) Poisoning, spraying, fumigating, trapping, or by any other recognized and legal pest elimination methods approved by the local or state authority having such administrative authority.

Family means any number of individuals related by blood, marriage or adoption, or by custodial arrangement approved by the Health and Human Services Department of the City of Danbury, the Children and Family Services Department of the State of Connecticut or a court of competent jurisdiction; provided, however, that a group of not more than three (3) persons keeping house together but not necessarily related by blood, marriage, adoption or custodial agreement may be considered a family.

Flush water closet means a toilet bowl flushed with water under pressure with a water-sealed trap above the floor level. Such a toilet bowl shall have a smooth, easily cleanable surface.

Garbage means the animal and vegetable waste resulting from the handling, preparation, cooking, serving, and nonconsumption of food.

Grade means the finished ground level adjacent to a required window.

Guest means any person who shares a dwelling unit in a nonpermanent status for not more than thirty (30) days.

Habitable room means a room or enclosed floor space intended to be used for living, sleeping, cooking or eating purposes, excluding bathroom, water closet compartments, laundries, pantries, foyers, or communicating corridors, closets, recreation rooms (but not including a living room), private workshops or hobby rooms, and storage spaces. A kitchenette not exceeding sixty (60) square feet in floor area may be considered to be part of a habitable room in a

dwelling unit consisting of one (1) room and may be part of a habitable room other than a sleeping room in other dwelling units.

Heated water means water heated to a temperature of not less than one hundred twenty (120) degrees Fahrenheit.

Heating devices means all furnaces, unit heaters, domestic incinerators, cooking and heating stoves and ranges, and other similar devices.

Hotel means a commercial establishment offering lodging to transient guests, including, but not limited to, motels, boatels and apartment hotels.

Housing Inspector means a person appointed by the Mayor to carry out the instructions of the Director of Health in the enforcement of this Code and to make routine inspections of the housing within the City as shall be designated by the Director of Health.

Infestation means the presence, within or around the dwelling, of any insects, rodents or other pests.

Kitchen means any room containing any or all of the following equipment, or the area of a room within three (3) feet of such equipment: sink and/or other device for dishwashing, stove or other device for cooking, refrigerator or other device for cool storage of food, cabinets and/or shelves for storage of equipment and utensils, and counter or table for food preparation.

Kitchenette means a small kitchen or alcove containing cooking facilities.

Multiple dwelling means any dwelling containing more than two (2) dwelling units.

Nonresident means one who is not a dweller in the City of Danbury.

Occupant means any person over one (1) year of age living, sleeping, cooking, or eating in, or having actual possession of, a dwelling unit or rooming unit.

Operator means any person who has charge, care, control, or management of a building, or part thereof, in which dwelling units or rooming units are let.

Owner means any person who, alone or jointly or severally with others shall have:

- (1) Legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or
- (2) Charge, care, or control of any dwelling or dwelling unit, as the owner or agent of the owner, or an executor, administrator, trustee, or guardian of the estate of the owner.

Any such person thus representing the actual owner shall be bound to comply with the provisions of this article and/or rules and regulations adopted pursuant thereto to the same extent as if he were the owner.

Permissible occupancy means the maximum number of persons permitted to reside in a dwelling unit or rooming unit.

Plumbing means and includes all of the following supplied facilities and equipment: gas pipes, gas burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes-washing machines, catchbasins, drains, vents, and any similar supplied fixtures, together with all connections to water, sewer, or gas lines.

Premises means a plotted lot or part thereof or unplotted lot or parcel of land or plot of land, either occupied or unoccupied by any dwelling or nondwelling structure, and includes any such building, accessory structure or other structure thereon.

Privacy means the existence of conditions which will permit an individual or individuals to carry out an activity commenced without interruption or interference, either by sight or sound, by unwanted individuals.

Properly connected means connected in accordance with all the applicable codes and ordinances of the City of Danbury as from time to time enforced; provided, however, that the application of this definition shall not require the alteration or replacement of any connection in good working order and not constituting a hazard to life or health.

Rat harborage means any conditions or place where rats can live, nest or seek shelter.

Ratproofing means a form of construction which will prevent the ingress or egress of rats to or from a given space or building, or from gaining access to food, water, or harborage. It consists of the closing and keeping closed of every opening in foundations, basements, cellars, exterior and interior walls, ground or first floors, roofs, sidewalk gratings, sidewalk openings, and other places that may be reached and entered by rats by climbing, burrowing or other methods, by the use of materials impervious to rat gnawing and other methods approved by the Director of Health.

Refuse means all putrescible and nonputrescible solids (except body wastes), including garbage, rubbish, ashes, and dead animals.

Rooming unit means any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

Roominghouse means any dwelling or part of any dwelling containing one (1) or more rooming units, in which space is let by the owner or operator to more than four (4) persons who are not husband or wife, son or daughter, mother or father, or sister or brother of the owner or operator.

Rubbish means nonputrescible solid wastes (excluding ashes) consisting of either:

- (1) Combustible wastes such as paper, cardboard, plastic containers, yard clippings, and wood; or
- (2) Noncombustible wastes such as tin cans, glass and crockery.

Safety means the condition of being free from danger and hazards which may cause disease or accidents.

Space heater means a self-contained, heating appliance of either the circulating type or the radiant type and intended primarily to heat only one (1) room.

Supplied means paid for, furnished by, provided by, or under control of the owner or operator.

Temporary housing means any tent, trailer, mobile home, or any other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or to any utility system on the same premises for more than thirty (30) consecutive days.

Tenement house means any house or building, or portion thereof, which is rented, leased, let or hired out to be occupied as the home or residence of three (3) or more families living independently of each other and doing or able to do their cooking upon the premises and having a common right in the halls, stairways or yards.

Toxic substance means any chemical product applied on the surface of or incorporated into any structural or decorative material which constitutes a potential hazard to human health at acute or chronic exposure levels.

(Code 1961, § 10-2; Ord. No. 241, 3-6-1979; Ord. No. 254, § 1, 3-4-1980; Ord. No. 465, 5-4-1993)

Sec. 20-100. Conflict of ordinances.

In any case where a provision of this article is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance or code of the City of Danbury, the more stringent provision shall prevail.

(Code 1961, § 10-23; Ord. No. 241, 3-6-1979)

Sec. 20-101. General provisions.

The following general provisions shall apply in the interpretation and enforcement of this article:

- (1) *Legislative finding.* It is hereby found that there exist and may in the future exist, within the City of Danbury, premises, dwellings, dwelling units, rooming units, or parts thereof, which by reason of their structure, equipment, sanitation, maintenance, use, or occupancy affect or are likely to affect adversely the public health (including the physical, mental, and social well-being of persons and families), safety, and general welfare. To correct and prevent the existence of such adverse conditions, and to achieve and maintain such levels of residential

environmental quality as will protect and promote public health, safety, and general welfare, it is further found that the establishment and enforcement of minimum housing standards are required.

- (2) *Purposes.* It is hereby declared that the purpose of this article is to protect, preserve, and promote the physical and mental health and social well-being of the people, to prevent and control the incidence of communicable diseases, to regulate privately and publicly owned dwellings for the purpose of maintaining adequate sanitation and public health, and to protect the safety of the people and to promote the general welfare by legislation which shall be applicable to all dwellings now in existence or hereafter constructed. It is hereby further declared that the purpose of this article is to ensure that the quality of housing is adequate for protection of public health, safety and general welfare, including: establishment of minimum standards for basic equipment and facilities for light, ventilation, and thermal conditions, for safety from fire and accidents, for the use and location and amount of space for human occupancy, and for an adequate level of maintenance; determination of the responsibilities of owners, operators and occupants of dwellings; and provision for the administration and enforcement thereof.

- (3) *Title.* This article shall be known and may be cited as the "Housing Maintenance and Occupancy Code" of the City of Danbury.

(Code 1961, § 10-1; Ord. No. 241, 3-6-1979)

Sec. 20-102. Nonconforming uses and buildings.

(a) Any building or premises lawfully existing or in use at the effective date of this article or of any pertinent amendment thereto, may be continued, subject to the following regulations:

- (1) Said nonconforming building or use may be continued if said building is a one-

family building and is occupied by the owner or his family, or if said building is a two-family building where one (1) of the apartments or dwelling units is occupied by the owner or his family; provided, however, that said nonconforming building or use must nevertheless conform with and adhere to all of the provisions of this article except sections 20-171(1), 20-171(2), 20-174(1)c and 20-174(1)d.

- (2) A nonconforming building or use which does not fall within the categories of buildings delineated in subsection (a)(1) of this section may be continued only if said nonconforming building or use conforms with and adheres to all of the provisions of this article provided, however, that the Director of Health may exempt, in whole or in part, such a nonconforming building or use from sections 20-171(1), 20-171(2), 20-174(1)c and 20-174(1)d, if, in his opinion, compliance with these sections would be impractical or would create an extreme hardship, financial or otherwise, upon the owner of such a nonconforming building or use.

(b) Any existing building devoted to a nonconforming use may be reconstructed and structurally altered only subject to the following regulations:

- (1) A nonconforming building shall not be added to or expanded unless the addition or expansion conforms with the provisions of this article.
- (2) A nonconforming building, if once changed into a conforming use, shall not be changed back again into a nonconforming use.
- (3) A nonconforming building which has been damaged by fire, explosion, accident, act of God or of the public enemy, or riot may be reconstructed to its condition immediately prior to such damage, provided that the cost of said reconstruction does not exceed fifty (50) percent of its fair market value. In the event that the cost of said reconstruction exceeds fifty (50) percent of the fair market value,

said building may not be reconstructed unless it conforms to all of the provisions of this article.

- (4) A nonconforming building which has been abandoned for a period of one (1) year shall not thereafter be resumed.
(Code 1961, § 10-24; Ord. No. 241, 3-6-1979)

Secs. 20-103—20-132. Reserved.

DIVISION 2. ADMINISTRATION AND ENFORCEMENT

Sec. 20-133. Adoption of plans of inspection by the City of Danbury.

(a) The Director of Health is hereby authorized and directed to develop and adopt plans of inspection of the dwelling units subject to the provisions of this article, including:

- (1) A plan for the periodic inspection of hotels and roominghouses subject to the provisions of section 10-176, governing the licensing of the operation of such dwellings;
- (2) A plan for the systematic inspection of dwelling units contained in such contiguous areas within the City of Danbury as may from time to time be designated by the Director of Health.

(b) Before making inspections pursuant to a plan authorized in section 20-134, the Director of Health shall advise the public of the plan to inspect.

(Code 1961, § 10-12; Ord. No. 241, 3-6-1979)

Sec. 20-134. Inspections: powers and duties of the Director of Health.

(a) Whenever the Director of Health is denied access to any premises, he shall obtain a search warrant from a court of competent jurisdiction.

(b) The Director of Health is hereby authorized and directed to make inspections pursuant to one (1) or more of the plans for inspection authorized by section 20-133, or in response to a complaint that an alleged violation of the provisions of this article or of applicable rules or

regulations pursuant thereto has been committed, or when the Director of Health has valid reason to believe that a violation of this article or any rules and regulations pursuant thereto has been committed.

(c) The Director of Health is hereby authorized to enter and inspect between the hours of 8:00 a.m. and 5:00 p.m. all dwellings, dwelling units, roominghouses, rooming units, dormitories, dormitory units, hotel and hotel units subject to the provisions of this article for the purpose of determining whether there is compliance with its provisions.

(d) The Director of Health is hereby authorized to inspect the premises surrounding dwellings, dwelling units, roominghouses, rooming units, and hotels subject to this article for the purpose of determining whether there is compliance with its provisions.

(e) The Director of Health and the owner, owner's agent, or occupant of a dwelling, dwelling unit, rooming unit, roominghouse or dormitory room subject to this article may agree to an inspection by appointment at a time other than the hours provided by this article.

(f) The owner, owner's agent, or occupant of a dwelling, dwelling unit, rooming unit, roominghouse, hotel or hotel unit, upon presentation by the Director of Health of proper identification, a copy of any relevant plan of inspection pursuant to which entry is sought, and a schedule of the specific areas and facilities to be inspected, shall give the Director of Health entry and free access to every part of the dwelling, dwelling unit, rooming unit, hotel or hotel unit or to the premises surrounding any of these. Before making inspections within a contiguous area pursuant to a plan authorized in subsection (b) of this section, the Director of Health shall first consult with organizations representative of property owners and other residents of such contiguous area, if any such organizations exist.

(g) The Director of Health shall keep confidential all evidence not related to the purposes of this article and any rules and regulations pursuant thereto which he may discover in the course of the inspection. Such evidence shall

be considered privileged, and shall not be admissible in any judicial proceeding without the consent of the owner, other person in charge, or occupant of the dwelling unit or rooming unit so inspected.

(h) If any owner, owner's agent, or occupant of a dwelling, dwelling unit or rooming unit, or a multiple dwelling or roominghouse subject to the provisions of this article refuses, impedes, inhibits, interferes with, restricts, or obstructs entry and free access to every part of the structure or premises where inspection authorized by this division is sought, the Director of Health may seek in a court of competent jurisdiction an order that such owner, occupant or other person in charge cease and desist with such interference. (Code 1961, § 10-13; Ord. No. 241, 3-6-1979; Ord. No. 468, 5-4-1993)

Sec. 20-135. Emergency powers of Director of Health.

(a) Whenever, in the judgment of the Director of Health, an emergency exists which requires immediate action to protect the public health, safety or welfare, he may, without notice, conference or hearing, issue an order directing the owner, owner's agent or occupant of the structure to which the provisions of this article or applicable rules and regulations pursuant thereto apply to take such action as is necessary to correct or abate the emergency or, if circumstances warrant, may himself act to abate or correct it.

(b) The owner, owner's agent, or occupant of such structure shall be granted a conference on the matter upon his request, as soon as practicable, but such conference shall in no case stay the abatement or correction of such emergency.

(c) The City of Danbury shall have a lien for such expenses as are incurred in executing any order as well as for those expenses incurred in abating or correcting any emergency hereunder. All such expenses shall accrue interest at a rate of twelve (12) percent per annum. The provisions of section 20-136(f), shall apply to any liens arising hereunder. (Code 1961, § 10-14; Ord. No. 241, 3-6-1979; Ord. No. 262, 11-6-1980)

Sec. 20-136. Order for the abatement of nuisance.

(a) Whenever the Director of Health determines that any dwelling, dwelling unit, roominghouse, rooming unit, dormitory, dormitory unit, hotel or hotel unit, or the premises surrounding any of these, fails to meet the requirements set forth in this article or in applicable rules and regulations issued pursuant thereto, he shall issue an order setting forth the alleged failures and advising the owner, owner's agent, or occupant that such failures must be corrected. This order shall:

- (1) Be in writing.
- (2) Set forth the alleged violations of this article or of applicable rules and regulations issued pursuant thereto.
- (3) Describe the dwelling, dwelling unit, roominghouse, rooming unit, dormitory, dormitory unit, hotel or hotel unit where the violations are alleged to exist or to have been committed.
- (4) Provide a reasonable time for the correction of any violation alleged.
- (5) Be served upon:
 - a. The owner, owner's agent or occupant of the dwelling, dwelling unit, roominghouse, rooming unit, dormitory, dormitory unit, hotel or hotel unit personally or by certified mail, return receipt requested, addressed to the last known place of the residence of the owner, occupant or other person in charge. If one (1) or more persons to whom the notice is addressed cannot be found after a diligent effort to do so, service may be made upon such person or persons by posting a notice on or about the dwelling, dwelling unit, roominghouse, rooming unit, dormitory, dormitory unit, hotel or hotel unit described in the order or by causing such order to be published in a newspaper of general circulation for a period of five (5) consecutive days;

- b. A resident agent for the receipt of service of such orders designated pursuant to section 20-176(1)(f); or
- c. The Director of Health where he has been designated the agent for such service pursuant to section 20-176(1)(g).

(b) At the end of the period of time allowed for the correction of any violation alleged, the Director of Health shall reinspect the dwelling, dwelling unit, roominghouse, rooming unit, dormitory, dormitory unit, hotel or hotel unit described in the notice.

(c) If upon reinspection of violations are determined not to have been corrected, the Director of Health may initiate legal proceedings for the immediate correction of the alleged violations or may order the dwelling, dwelling unit, roominghouse, rooming unit, dormitory, dormitory unit, hotel or hotel unit vacated within thirty (30) days or both.

(d) The Director of Health, after the expiration of the time granted the persons served with such order to seek reconsideration in a hearing in the manner provided by this article, or after a final decision adverse to such person served has been rendered by the hearing agency or by a court of competent jurisdiction to which the appeal has been taken, shall cause the order to be recorded in the office of the Town Clerk.

(e) All subsequent transferees of the dwelling, dwelling unit, roominghouse, rooming unit, dormitory, dormitory unit, hotel or hotel unit in connection with which an order has been so recorded shall be deemed to have notice of the continuing existence of the violations alleged, and shall be liable to all penalties and procedures provided by this article and the applicable rules and regulations issued pursuant thereto the same degree as was their transferor.

(f) Remedial action by City:

- (1) Whenever the Director of Health shall issue an order alleging the existence of violations and such order is not complied with, or not so far complied with as the Director may regard as reasonable, within the time therein designated, the order

may be executed in whole or in part by the Director, his agents, contractors, or, as an alternative if a tenement house is involved, the Director may pursue his remedies under the receivership provisions of this article. No order shall be executed or receivership initiated unless all mortgagees or lienors of record of the property where the violations exists shall have been served with a copy of the order at least forty-eight (48) hours prior to the taking of such action. If any such mortgagee or lienor cannot with due diligence be served personally within the City of Danbury, service may be made on such person by posting a copy thereof in a conspicuous place on the property where the violations exists, and by sending a copy thereof by certified mail, return receipt requested, to the mortgagee or lienor at the address set forth in the recorded mortgage or lien.

- (2) The expenses and disbursements incurred by the Director of Health in carrying out such orders shall initially be paid for from the housing repair fund hereinafter described in subsection (f)(1) of this section or any other appropriation of funds for such purpose.
- (3) The City shall have a lien for such expenses as are incurred in the execution of the order, which lien shall have priority over all other liens and encumbrances, except taxes and assessments, recorded previously to the existence of such lien.
- (4) No such lien shall be valid for any purpose until the Director of Health shall file with the Town Clerk, for recordation with the deeds of land, a certificate subscribed and sworn to by the Director describing the premises, the owner of the premises, the amount claimed as a lien thereon, and the date of commencement of the activities undertaken in executing the order, and stating that the amount is justly due and that the expense has been incurred in pursuance of the order of the Director, giving the date of the order. Such certificate shall be filed at any time

during the progress of the work required by such order or within four (4) months after the completion of the contract, or the final performance of the work, or the final furnishing of the materials, dating from the last item of work performed or materials furnished.

- (5) Unless within six (6) months after actual notice of such filing proceedings to discharge such lien are taken by the party against whom or whose premises a lien is claimed, the filing shall, as to all persons having such actual notice, become conclusive evidence that the amount claimed in the notice of lien with interest is due and is a just lien upon the premises.
- (6) When the Director of Health shall have executed any order so far as it may require, the Director of Health shall file among his records such order and an affidavit stating with fairness and accuracy the items of expense in general terms and the date of execution of such order.
- (7) The expenses of executing an order until the same are paid or discharged shall be in lien and charge for rent and compensation due or then maturing from any tenant or occupant of the dwelling and premises or parts thereof to which any order relates, or in respect of which any such expenses were incurred. Recovery or repayment of such expenses as are incurred in executing an order may be obtained by the Director of Health by collecting rents directly from the tenants of the building involved or by a suit against the owner of the dwelling instituted and maintained in the City of Danbury, or both. Any such recovery or repayment shall be deposited in the housing repair fund to be used for purposes of the fund.
- (8) Every owner, owner's agent or occupant of a dwelling, dwelling unit, rooming-house, rooming unit, dormitory, dormitory unit, hotel or hotel unit, who has received notice of the intention of the

Director of Health to make repairs shall give free entry and free access to the agent of the Director of Health for the purpose of making such repairs. Any owner, owner's agent or occupant of a dwelling, dwelling unit, roominghouse, rooming unit, dormitory, dormitory unit, hotel or hotel unit who refuses, impedes, interferes with, hinders or obstructs entry by such agent pursuant to a notice of intention to make repairs shall be subject to a penalty of one hundred dollars (\$100.00) for each such failure to comply with this section.

- (9) A fund to be known as the housing relocation and repair fund is hereby created and established, to be administered pursuant to rules and regulations adopted by the Code Enforcement Division of the Health and Human Services Department in consultation with the Director of Health. Said fund shall be used for the purpose of defraying the costs associated with emergency housing repairs and with providing emergency housing necessitated by code enforcement activities. For purposes of this section, the term "code enforcement activities" includes, but shall not be limited to, administrative or judicial action intended to achieve compliance with provisions of the housing maintenance and occupancy code, the fire safety code, the building code and the public health code. Into such fund will be deposited such monies as shall be appropriated or allotted by the City Council or shall be realized from the sale of bonds issued pursuant to C.G.S. ch. 109 (C.G.S. § 7-369 et seq.) for that purpose, or such amounts as may be received as grants-in-aid under any state or federal program, or such other monies that shall be made available to the fund.
- (Code 1961, § 10-16; Ord. No. 241, 3-6-1979; Ord. No. 428, 11-7-1991; Ord. No. 538, 6-1-1999)

Sec. 20-137. Penalties for violation of abatement order.

Any owner, owner's agent, or occupant who has not complied with an order of abatement shall be subject to the penalties provided in C.G.S. § 47a-55.
(Code 1961, § 10-17; Ord. No. 241, 3-6-1979)

Sec. 20-138. Funding.

All penalties collected for violations of this article, all license fees collected pursuant to this article, all judgments collected in actions to recover the costs of repair and demolition pursuant to this article, and all donations and grants from public or private sources designed to promote the purposes of this article shall be deposited to the general fund of the City of Danbury as unanticipated revenue and/or to such funds described and contained within the provisions of this article.
(Code 1961, § 10-18; Ord. No. 241, 3-6-1979)

Sec. 20-139. Designation of a building as unfit for human habitation.

The designation of dwellings, dwelling units, roominghouses, rooming units, dormitories, dormitory units, hotels or hotel units as unfit for human habitation shall be carried out in compliance with the following requirements:

- (1) Any dwelling, dwelling unit, roominghouse, rooming unit, dormitory, dormitory unit, hotel or hotel unit which shall be found to have any of the following defects may be posted as unfit for human habitation by the Director of Health if the Director determines that repair of the defect is not possible or not possible within a reasonable period of time sufficient to avoid danger to occupants:
 - a. One which is so damaged, decayed, dilapidated, unsanitary, unsafe and/or vermin-infested that it creates a serious hazard to the health or safety of the occupants or the public and/or contains lead-based paint, glaze or other surface coverings containing a toxic level of lead which is in violation of the provi-

sions of this Code of Ordinances or of C.G.S. § 19a-111c, or of the provisions of regulations promulgated pursuant to said section.

- b. One which lacks illumination, ventilation, electrical, plumbing, heating or sanitation facilities adequate to protect the health or safety of the occupants or of the public.
 - c. One which because of its general condition is unsanitary or otherwise dangerous to the health or safety of the occupants or of the public.
- (2) Any dwelling, dwelling unit, roominghouse, rooming unit, dormitory, dormitory unit, hotel or hotel unit posted as unfit for human habitation by the Director of Health shall be vacated, either temporarily or permanently, within a reasonable time as ordered by the Director of Health. Whenever any dwelling, dwelling unit, roominghouse, rooming unit, dormitory, dormitory unit, hotel or hotel unit has been posted and vacated, the Director of Health shall order services and other utilities to be turned off or disconnected and all utility meters to be removed.
- (3) No dwelling, dwelling unit, roominghouse, rooming unit, hotel or hotel unit which has been posted as unfit for human habitation may again be used for human habitation until written approval is secured from, and such poster is removed by, the Director of Health. The Director of Health shall remove such poster whenever the defect or defects upon which the posting was based have been eliminated.
- (4) No person shall deface or remove any poster from any dwelling, dwelling unit, roominghouse, rooming unit, hotel or hotel unit which has been posted as unfit for human habitation except as provided in subsections (1) through (3) of this section. Whoever violates this provision shall

be subject to a fine of not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00).

- (5) Any person affected by any notice relating to the posting of a dwelling, dwelling unit, roominghouse, rooming unit, hotel or hotel unit as unfit for human habitation may request, and shall be granted, a hearing on the matter before the hearing agency.

(Code 1961, § 10-19; Ord. No. 241, 3-6-1979; Ord. No. 470, 5-4-1993)

Sec. 20-140. Rent receivership.

(a) The provisions of C.G.S. §§ 47a-56a through 47a-56i are hereby adopted, and the Director of Health hereby appointed for the enforcement of said provisions in accordance with the provisions of C.G.S. § 47a-56.

(b) Whenever a nuisance which constitutes a serious fire hazard or is a serious threat to life, health, or safety has been found to exist in a tenement house and an order for the abatement of such nuisance has been properly made and served and has not been complied with, or not so far complied with as the Director of Health finds reasonable, within the time allowed, then the Director of Health may apply to the court of competent jurisdiction, pursuant to C.G.S. § 47a-56a, for a rule requiring the owners or any mortgagees or lienors of record to show cause why a receiver of the rents, issues, and profits should not be appointed, and why said receiver should not remove or remedy such nuisance and obtain a lien in favor of the municipality having priority over all liens recorded in the office of the Town Clerk after the recording of a notice of the pendency of the application to secure payment of all costs of the receiver in removing or remedying such condition.

(c) A fund, to be known as the "Tenement House Operating Fund," is hereby created and established. Into such fund shall be deposited such monies as shall be appropriated by the City Council or be realized from the sale of bonds issued pursuant to C.G.S. ch. 109 (C.G.S. § 7-369 et seq.), for that purpose, or as shall be otherwise made available to the fund. From such fund

shall be withdrawn all amounts expended by the receiver to meet any costs of removing or remedying nuisances pursuant to the provisions of this article and C.G.S. §§ 47a-56 through 47a-56h. The receiver shall seek an order of the court authorizing the repayment to such fund of the amounts so expended from the rents, issues and profits of the property in which a nuisance exists or from any amount recovered pursuant to C.G.S. §§ 47a-56 through 47a-56h. Such fund shall be in the custody of the Treasurer of the City, and the books and accounts of such funds shall be kept by the Director of Finance of the City. (Code 1961, § 10-20; Ord. No. 241, 3-6-1979; Ord. No. 413, 3-5-1991)

Sec. 20-141. Application for appeals conference or hearing.

(a) Any person aggrieved by an order of abatement from the Director of Health issued in connection with any alleged violation of the provisions of this article or by any order requiring repair or demolition pursuant to sections 20-136(a) and 20-139(1) may apply for a conference with the Director of Health.

- (1) This application must be made within forty-eight (48) hours after the notice is served in the manner prescribed by section 20-136.
- (2) The Director of Health shall schedule a conference to be held within three (3) days of the application.
- (3) At the conference, the applicant shall be permitted to present his argument for rescinding or modifying the Director's order.
- (4) Nothing contained herein shall be construed to limit the authority of the Director of Health to resolve cases of code noncompliance through an administrative route, including the holding of informal conferences, with owners, occupants or agents or employees of said owners or occupants. Such conferences may be held by the Director at his discretion at any time, either before or after resort to other remedies available hereunder.

(b) If the applicant is not satisfied with the decision of the Director rendered at the conference, the applicant may appeal to the hearing agency.

- (1) Such appeal shall be filed within five (5) days after the order is served on petitioner in the manner prescribed in section 20-136.
- (2) The hearing agency shall schedule a hearing to be held within ten (10) days of the filing of said petition and shall serve the petitioner with notice of the time and place where said hearing is to be held at least seven (7) days prior to said hearing.
- (3) The hearing agency shall render a decision within ten (10) days after said hearing and shall serve the petitioner with notice of its decision, in the manner provided for service of notice in section 20-136, within four (4) days of the date of said decision.
- (4) At the hearing, the petitioner shall be given an opportunity to show cause why the order should be modified or withdrawn, or why the period of time permitted for compliance should be extended.
- (5) The hearing agency shall have the power to affirm, modify, or revoke the order, and may grant an extension of time for the performance of any act required of not more than two (2) additional months where the hearing agency finds that there is practical difficulty or undue hardship connected with the performance of any act required by the provisions of this article or by applicable rules or regulations issued pursuant thereto, and that such extension is in harmony with the general purpose of this article to secure the public health, safety and welfare.
- (6) The hearing agency may grant variances from the provisions of this article when the hearing agency finds that there is practical difficulty or unnecessary hardship connected with the performance of any act required by this article and

applicable rules and regulations pursuant thereto; that strict adherence to such provisions would be arbitrary in the case at hand; that extension would not provide an appropriate remedy in the case at hand; and that the variance is in harmony with the general purpose of this article to secure the public health, safety and welfare.

- (7) The building code board of appeals of the City of Danbury is hereby designated as the hearing agency for this article.
- (8) There will be a fee of ten dollars (\$10.00) assessed for each appeal filed with the hearing agency. Said fee must be paid in full on or before the scheduled date of hearing. All fees and issues connected with a convention of the hearing agency shall be collected by said agency and deposited into the general fund of the City of Danbury and/or into such funds described and contained within the provisions of this article.

(c) Any person aggrieved by the final decision of the hearing agency may obtain judicial review by filing in a court of competent jurisdiction within ten (10) days of the announcement of such decision a petition praying that the decision be set aside in whole or in part. A copy of each petition so filed shall be forthwith transmitted to the hearing agency, which shall file in court a record of the proceedings upon which it based its decision. Upon the filing of such record, the court shall affirm, modify or vacate the decision complained of, in whole or in part. The findings of the hearing agency with respect to questions of fact shall be sustained if supported by substantial evidence on record, considered as a whole.

(Code 1961, § 10-21; Ord. No. 241, 3-6-1979; Ord. No. 254, § 6, 3-4-1980)

Sec. 20-142. Collection and dissemination of technical housing information.

The Director of Health is hereby authorized to collect and disseminate information concerning techniques of maintenance, repair, and sanita-

tion in housing, and concerning the requirements of this article and applicable rules and regulations pursuant thereto.

(Code 1961, § 10-22; Ord. No. 241, 3-6-1979)

Secs. 20-143—20-167. Reserved.

DIVISION 3. STANDARDS AND REQUIREMENTS

Sec. 20-168. Responsibilities of owners and occupants.

(a) *Owners.* The following shall be the responsibilities of owners:

- (1) No owner or other person shall occupy or let to another person any dwelling or dwelling unit unless it and the premises are clean, sanitary, fit for human occupancy, and comply with all applicable legal requirements of the State of Connecticut and the City of Danbury.
- (2) Every owner of a dwelling containing two (2) or more dwelling units shall maintain in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.
- (3) Every owner of a dwelling containing three (3) or more dwelling units shall supply facilities or refuse containers for the sanitary and safe storage and/or disposal of rubbish and garbage. In the case of single-family or two-family dwellings, it shall be the responsibility of each occupant to furnish such facilities or refuse containers. All refuse containers shall be rodentproof, insectproof, watertight, structurally strong to withstand handling stress, easily filled, emptied and cleaned; shall be provided with tight-fitting covers or similar closure; and shall be maintained at all times in a clean sanitary condition. A minimum of two (2) twenty-gallon refuse containers shall be supplied for each dwelling unit.

- (4) No owner of a dwelling unit shall store, place, or allow to accumulate any materials which may serve as food for rats in a site accessible to rats.
- (5) No owner of a dwelling shall permit accumulation of rubbish, boxes, lumber, scrap metal, or any other materials in such a manner that may provide a rat harborage in a dwelling or about the shared or public areas of a dwelling or its premises. Materials stored by the owner or permitted to be stored by the owner shall be stacked neatly in piles elevated at least eighteen (18) inches above the ground floor.
- (6) Whenever infestation is caused by failure of the owner to maintain a dwelling in a rodentproof or insectproof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two (2) or more of the dwelling units in any dwelling or in the shared or common parts of any dwelling containing two (2) or more units, extermination thereof shall be the responsibility of the owner.
- (7) The owner of a dwelling unit shall be responsible for:
 - a. Making doors and windows weathertight; or
 - b. Providing and hanging all screens and double or storm doors and windows. Where there is a written agreement between the owner and the occupant as to the maintenance or replacement of screens, storm doors and windows, said agreement shall control. In the absence of such an agreement, maintenance or replacement of screens, storm doors and windows, once properly installed, become the responsibility of the occupant.
- (8) The owner of a dwelling unit shall keep all plumbing fixtures in an operable condition.
- (9) In any case where the Director of Health, after a hearing, finds that a particular

property consisting of three (3) or more units is substandard because of violations of the housing code, or any law or ordinance, the Director of Health may require the owner of such property to register the name and address of an agent who will be on the premises daily to enforce the provisions of this Code. The rules of the hearing provided for in this section shall be established by the Corporation Counsel.

(b) *Occupants.* The following shall be the responsibility of occupants:

- (1) Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit, and premises thereof which he occupies and controls.
- (2) Every occupant of a dwelling unit shall keep all supplied fixtures and facilities therein in a clean, sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.
- (3) Every occupant of a dwelling or dwelling unit shall store and dispose of all his garbage, refuse, and any other organic waste which might provide food for insects and/or rodents in a clean, sanitary, safe manner by placing it in refuse containers.
- (4) No occupants of a dwelling or dwelling unit shall accumulate rubbish, boxes, lumber, scrap metal, or any other materials in such a manner that may provide a rat harborage in or about any dwelling or dwelling unit. Stored materials shall be stacked neatly in piles elevated at least eighteen (18) inches above the ground or floor.
- (5) No occupant of a dwelling or dwelling unit shall store, place, or allow to accumulate any materials which may serve as food for rats in a site accessible to rats.
- (6) Every occupant of a dwelling containing a single dwelling unit shall be responsible

for the extermination of any insects, rodents, or other pests therein or on the premises; and every occupant of a dwelling unit in a dwelling containing more than one (1) dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only dwelling unit within the dwelling that is infested.

(Code 1961, § 10-3; Ord. No. 241, 3-6-1979)

Sec. 20-169. General maintenance requirements.

No person shall occupy as owner, occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

- (1) Every foundation, roof and exterior wall, door, skylight and window shall be reasonably weathertight, watertight, and damp-free, and shall be kept in sound condition and good repair. All exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by paint or other protective covering or treatment using nontoxic materials where readily accessible to children. Walls shall be capable of affording privacy for the occupants.
- (2) Every window, exterior door and basement hatchway or similar device shall be kept rodentproof and reasonably watertight and weathertight, and shall be kept in good working condition and repair.
- (3) Every premises shall be graded, drained, free of standing water, and maintained in a clean, sanitary and safe condition.
- (4) Unless other provisions are made, gutters, leaders and downspouts shall be provided and maintained in good working condition so as to provide proper drainage of stormwater.
- (5) a. All painted portions of all buildings used in whole or in part for human habitation, as well as any accessory

structures on the premises thereof, shall be kept free of cracked, chipped, blistered, flaked, loose or peeling paint. Any such surface shall be properly prepared and repainted with a paint or other covering conforming to the standards as required in accordance with the Lead-Based Paint Poisoning Prevention Act, Chapter 63 of the Social Security Act, as the same may be amended from time to time.

- b. The owners of all dwellings shall comply with the requirements of C.G.S. § 19a-111c concerning the removal of toxic levels of lead from dwellings, as the same may be amended from time to time. The Director of Health may require any such owner to submit evidence of compliance with the requirements of the aforesaid provisions of the Connecticut General Statutes from qualified testing firms acceptable to the Director.
- c. Whenever the Director of Health receives a report of lead poisoning or otherwise determines that a child under the age of six (6) has an abnormal body burden of lead, the Director may cause the paint or water on the premises of the dwelling in which such child resides to be tested for lead content. The Director shall take appropriate action to compel abatement of hazardous conditions if the lead content of paint or water on such premises exceeds the permissible limits thereof as established in this subsection. For purposes of this subsection, abatement shall be required if the lead content of paint on the premises exceeds the standards established in accordance with the Lead-Based Paint Poisoning Act, Chapter 63 of the Social Security Act, as the same may be amended from time to time. Similarly, abatement shall be

- required if the lead content of water on the premises meets or exceeds five one-hundredths of one milligram per liter (0.05 milligram/liter).
- d. The Director of Health may engage or order the engagement of qualified firms to perform testing for lead content in paint and water. In addition, the Director may engage or order the engagement of firms to monitor compliance with abatement regulations or with abatement orders issued pursuant to this section or to certify that abatements have been successfully accomplished.
- (6) Every dwelling, multiple dwelling, roominghouse or accessory structure, and the premises on which any such structures are located, shall be maintained so as to prevent and eliminate rodent harborage.
 - a. All openings in the exterior walls, foundations, basements, ground or first floors and roofs which have a half-inch-diameter or more opening shall be ratproofed in an approved manner if they are within forty-eight (48) inches of the existing exterior ground level immediately below such openings or if they may be reached by rats from the ground by climbing unguarded pipes, wires, cornices, stairs, roofs, and other items such as trees or vines or by burrowing.
 - b. All sewers, pipes, drains or conduits and openings around such pipes and conduits shall be constructed to prevent the ingress or egress of rats to or from a building.
 - c. Interior floors of basements, cellars and other areas in contact with the soil shall be ratproofed in an approved manner.
 - d. Any materials used for ratproofing shall be acceptable to the Director of Health.
 - (7) Every foundation, roof, floor, exterior and interior wall, ceiling, inside and outside stair, every porch, and every appurtenance thereto, shall be safe to use and capable of supporting the loads that normal use may cause to be placed thereon, and shall be kept in sound condition and good repair. Every inside and outside stair or step shall have uniform risers and treads.
 - (8) Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good sanitary working condition.
 - (9) Every water closet compartment, bathroom and kitchen floor surface shall be constructed and maintained so as to be reasonably impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.
 - (10) Every plumbing fixture and pipe, every chimney, flue and smoke pipe, and every other facility, piece of equipment, or utility which is present in a dwelling or dwelling unit, or which is required under this article, shall be constructed and installed in conformance with the appropriate statutes, ordinances and regulations of the City of Danbury and the State of Connecticut.
 - (11) All construction and materials, ways and means of egress, and installation and use of equipment shall conform to applicable state and local laws dealing with fire protection.
- (Code 1961, § 10-4; Ord. No. 241, 3-6-1979; Ord. No. 254, § 2, 3-4-1980; Ord. No. 417, 6-4-1991; Ord. No. 466, 5-4-1993)
- Sec. 20-170. Minimum standards for basic equipment and facilities.**
- No person shall occupy as owner, occupant or let to another for occupancy any dwelling or dwelling unit, for the purposes of living, sleeping, cooking or eating therein, which does not comply with the following requirements:
- (1) Every dwelling unit shall have a room or portion of a room in which food may be

prepared and/or cooked, which shall have adequate circulation area and shall be equipped with the following:

- a. A kitchen sink in good working condition and properly connected to a water supply system which is approved by the Director of Health and which provides at all times an adequate amount of heated and unheated running water under pressure, and which is connected to a sewer or septic system approved by the Director of Health.
 - b. Cabinets and/or shelves for the storage of eating, drinking, and cooking equipment and utensils and of food that does not under ordinary summer conditions require refrigeration for safekeeping; said cabinets and/or shelves and counter or table shall be adequate for the permissible occupancy of the dwelling unit and shall be of sound construction furnished with surfaces that are easily cleanable and that will not impart any toxic or deleterious effect to food.
 - c. A stove, or similar device, for cooking food and a refrigerator, or similar device, for the safe storage of food at temperatures less than fifty (50) degrees Fahrenheit, but more than thirty-two (32) degrees Fahrenheit, under ordinary maximum summer conditions, which are properly installed with all necessary connections for safe, sanitary and efficient operation; provided that such stove, refrigerator, and/or similar devices need not be installed when a dwelling unit is not occupied and when the occupant is expected to provide same on occupancy, and that sufficient space and adequate connections for the safe and efficient installation and operation of said stove, refrigerator and/or similar devices are provided.
- (2) Within every dwelling unit there shall be a nonhabitable room which affords privacy to a person within said room and which is equipped with a flush water closet in good working condition. Said flush water closet shall be connected to a water system that at all times provides an adequate amount of running water under pressure to cause the water closet to be operated properly and shall be connected to a sewer system or septic system which is approved by the Director of Health.
 - (3) Within every dwelling unit there shall be a lavatory sink. Said lavatory sink may be in the same room as the flush water closet, or, if located in another room, the lavatory sink shall be located in close proximity to the door leading directly into the room in which said water closet is located. The lavatory sink shall be in good working condition and properly connected to a water supply system which is approved by the Director of Health and which provides at all times an adequate amount of heated and unheated running water under pressure, and which is connected to a sewer system or septic system approved by the Director of Health.
 - (4) Within every dwelling unit there shall be a room which affords privacy to a person within said room and which is equipped with a bathtub or shower in good working condition. Said bathtub or shower may be in the same room as the flush water closet or in another room and shall be properly connected to a water supply system which is approved by the Director of Health and which provides at all times an adequate amount of heated and unheated water under pressure, and which is connected to a sewer system or septic system approved by the Director of Health.
 - (5) Every dwelling shall have supplied water heating facilities which are properly installed, are maintained in safe and good working condition, are properly connected with the hot water lines required under the provisions of subsections (1)a, (3) and (4) of this section, and are capable

of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than one hundred twenty (120) degrees Fahrenheit. Such supplied water heating facilities shall be capable of meeting the requirements of this subsection when the dwelling or dwelling unit heating facilities required under the provisions of the subsections of this section are not in operation.

- (6) Every dwelling unit shall have safe, unobstructed means of egress, leading to safe and open spaces at ground level, as required by the statutes, ordinances and regulations of the City.
- (7) Railing or parapets, not less than thirty-four (34) inches high shall be placed around porches, balconies and roofs more than thirty (30) inches above the ground level which are used by the occupants. Stairway having more than three (3) steps shall be equipped with railing.
- (8) Each dwelling shall have a suitable facility for the safe storage of drugs and household poisons.
- (9) No person shall let to another for occupancy any dwelling or dwelling unit unless all exterior doors of the dwelling or dwelling unit are equipped with functioning locking devices.

(Code 1961, § 10-5; Ord. No. 241, 3-6-1979; Ord. No. 354, § 5, 3-4-1980)

Sec. 20-171. Minimum standards for light and ventilation.

No person shall occupy as owner, occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

- (1) Every habitable room shall have at least one (1) window or skylight facing directly outdoors. The total window area, measured between stops, of every habit-

able room shall be not less than ten (10) percent of the floor area of such room. A window facing walls or other portions of structures so as to create a light-obstruction within eight (8) feet of such window shall not be included in the minimum total window area. Whenever the only window in a room is a skylight-type window in the top of such room, the total window area of such skylight shall equal at least fifteen (15) percent of the total floor area of such room.

- (2) Every habitable room shall have one (1) or more windows or other ventilating space capable of being opened to ensure a clear opening of not less than forty-five (45) percent of the required window area.
- (3) Bathroom and water closet compartments and nonhabitable rooms used for food preparation may be provided with adequate ventilating systems approved by the Director of Health in lieu of the required window.
- (4) During that portion of each year when there is a need for protection against mosquitoes, flies, and other insects (June 1 to October 30), at least one (1) door opening directly from a dwelling unit to outdoor space shall have supplied properly fitting screens having at least sixteen (16) mesh, and swinging doors shall be equipped with a self-closing device; and every window or other device with openings to outdoor space, used or intended to be used for ventilation, shall likewise be supplied with sixteen-mesh screens, half or full, with a secure attachment to the window frame. Every basement or cellar window used or intended to be used for ventilation, and every other opening to a basement which might provide an entry for rodents, shall be supplied with a screen or such other device as will effectively prevent their entrance.
- (5) Where there is usable electric service available from power lines which are not more than three hundred (300) feet away from a dwelling, every dwelling unit and

all public and common areas shall be supplied with electric service, outlets, and fixtures which shall be properly installed, shall be maintained in good and safe working condition, and shall be connected to a source of electric power in a manner prescribed by the ordinances, rules and regulations of the City of Danbury.

- a. Every water closet compartment, bathroom and kitchen or kitchenette, laundry room, furnace room, and public hall shall contain at least one (1) supplied ceiling or wall-type electric light fixture.
 - b. Convenient switches or equivalent devices for turning on one (1) light in each room or passageway shall be located so as to permit the area ahead to be lighted.
 - c. Every dwelling unit shall be supplied with at least one (1) 15-ampere circuit, and such circuit shall not be shared with another dwelling unit.
 - d. Every habitable room shall contain at least two (2) separate wall-type duplex electric convenience outlets or one (1) such duplex convenience outlet and one (1) supplied wall- or ceiling-type electric light fixture. No duplex outlet shall serve more than two (2) fixtures or appliances.
 - e. Temporary wiring or extension cords shall not be used as permanent wiring.
 - f. All electric lights and outlets in bathrooms shall be controlled by switches which are of such design as shall minimize the danger of electric shock, and such lights and outlets shall be installed and maintained in such condition as to minimize the danger of electrical shock.
- (6) Every public hall and stairway in every multiple dwelling shall be adequately lighted by natural or electric light at all times, so as to provide in all parts thereof

at least ten (10) footcandles of light at the tread or floor level. Every public hall and stairway in structures containing not more than two (2) dwelling units may be supplied with conveniently located light switches controlling an adequate lighting system which may be turned on when needed instead of full-time lighting.

(Code 1961, § 10-6; Ord. No. 241, 3-6-1979; Ord. No. 254, § 3, 3-4-1980)

Sec. 20-172. Minimum thermal standards.

No person shall occupy as owner, occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

- (1) Every dwelling or dwelling unit shall be supplied with heating devices which are properly installed, are maintained in safe and good working condition, and are capable of safely and adequately heating all habitable rooms, bathrooms, and water closet compartments located therein to a temperature of at least sixty-five (65) degrees Fahrenheit at a distance three (3) feet above floor level when outdoor temperature is ten (10) degrees Fahrenheit below zero.
- (2) In every dwelling unit and/or rooming unit when the control of the supplied heat is the responsibility of a person other than the occupant, a temperature of at least sixty-five (65) degrees Fahrenheit shall be maintained in all habitable rooms, bathrooms, and water closet compartments at a distance of three (3) feet above the floor level at all times.
- (3) The heating devices provided shall be equipped with a control valve and/or thermostat to allow the occupant of the dwelling or dwelling unit to regulate and/or reduce the heat supplied.

- (4) No owner or occupant shall install, operate or use an unvented space heater employing a flame.
(Code 1961, § 10-7; Ord. No. 241, 3-6-1979)

Sec. 20-173. Discontinuance of required services.

No owner, owner's agent, or occupant shall cause any service facility, equipment or utility which is required under this article to be removed from or shut off from or discontinued for any occupied dwelling or dwelling unit let or occupied by him, except for such temporary interruption as may be necessary while actual repairs or alterations are in process, or during temporary emergencies when discontinuance of service is approved by the Director of Health. Where there exists only one (1) meter service in a building containing two (2) or more dwelling units, the landlord thereof shall be responsible for supplying the service.
(Code 1961, § 10-8; Ord. No. 241, 3-6-1979)

Sec. 20-174. Maximum density, minimum space, use and location requirements.

No person shall occupy or let to be occupied any dwelling or dwelling unit, for the purpose of living therein, unless there is compliance with the following requirements:

- (1) The following shall be the required minimum space for occupancy.
 - a. Every dwelling unit shall contain not less than one hundred fifty (150) square feet of floor space for the first occupant and not less than one hundred (100) square feet of additional floor space for each additional occupant thereof.
 - b. No room shall be used for sleeping purposes unless it shall have a floor area of not less than seventy (70) square feet.
 - c. Every habitable room shall have a clear room width of not less than seven (7) feet at the narrowest point

exclusive of projections affecting less than ten (10) percent of the floor area.

- d. No part of a room shall be included within the floor area required above where the ceiling height is less than five (5) feet. At least half of the floor area of every habitable room shall have a ceiling height of not less than seven (7) feet.
- (2) No space located partially or totally below grade shall be used as a habitable room of a dwelling unit unless approved by the Director of Health in writing and unless:
 - a. The floor and those portions of the walls below grade are of waterproof and dampproof construction.
 - b. The minimum window area is equal to at least that required in section 20-171(1); and such window area is located entirely above the grade of the ground adjoining such window area, or, if windows are located wholly or partly below grade, there will be constructed a properly drained window well whose open area is equal to or greater than the area of the masonry opening for the window; the bottom of the window well is below the top of the impervious masonry construction under this window, and the minimum horizontal distance at a right angle from the point of the window well is equal to or greater than the vertical depth of the window well as measured from the bottom of the masonry opening for the window, except where there is supplied adequate artificial illumination.
 - c. The total openable window area in each room is equal to at least the minimum as required under section 20-171(2), except where some other approved devices affording adequate ventilation and humidity control are supplied.

d. There are no pipes, ducts or other obstructions less than six (6) feet, eight (8) inches above the floor level which interfere with the normal use of the room or area.

(3) Not more than one (1) family plus four (4) boarders or a group of not more than four (4) persons keeping house together, unrelated to the family, except for guests or domestic employees, shall occupy a dwelling unit unless a permit for a roominghouse has been granted by the Director of Health.

(4) Every dwelling unit shall have at least four (4) square feet of floor-to-ceiling-height closet space for the personal effects of each permissible occupant; if it is lacking, in whole or in part, an amount of space equal in square footage to the deficiency shall be subtracted from the area of habitable room space used in determining permissible occupancy.

(Code 1961, § 10-9; Ord. No. 241, 3-6-1979; Ord. No. 467, 5-4-1993)

Sec. 20-175. Certificate of occupancy requirement.

(a) No dwelling unit in any dwelling containing three (3) or more dwelling units shall be occupied for human habitation, after a vacancy, until a certificate of occupancy has been issued by the Director of Health, certifying that such dwelling unit conforms to the requirements of the applicable housing ordinances of this City and to the Connecticut General Statutes; provided, that no provision of this section shall be construed to prohibit human occupancy of such dwelling unit during the pendency of an application for such certificate. No provision of this section shall apply to any structure occupied by the owner thereof and containing three (3) or less housing units. Any person aggrieved by the refusal of a certificate of occupancy may appeal to the court of competent jurisdiction within which the dwelling unit is located, and such appeal shall be privileged.

(b) No rent shall be recoverable by the owner or lessor of such dwelling for the occupancy of any dwelling unit for which a certificate of

occupancy has not been obtained prior to the rental thereof in violation of subsection (a) of this section.

(c) The provisions of this section shall not apply to any such structure which has been constructed within a period of ten (10) years next preceding the date when such certificate of occupancy would otherwise be required hereunder.

(d) The Director of Health may set a reasonable schedule of fees which are to be paid prior to the issuance of the certificate of occupancy required by this section, subject to its approval and adoption by a resolution of the City Council. (Code 1961, § 10-10; Ord. No. 241, 3-6-1979; Ord. No. 254, § 4, 3-4-1980; Ord. No. 342, 1-6-1987; Ord. No. 464, 5-4-1993; Ord. No. 468, 5-4-1993)

Sec. 20-176. Special requirements for roominghouses, dormitories, hotels.

No person shall operate a roominghouse, dormitory, or hotel, or shall occupy or let to another for occupancy any unit in any roominghouse, dormitory, or hotel, which is not in compliance with the provisions of this article except the provisions of sections 20-140, 20-168, 20-170, 20-174(1) and 20-175. Any facility licensed by the State of Connecticut as a community residence, as defined in C.G.S. § 19a-507a, or as a private boarding home, group home or other residential facility as described in C.G.S. § 17a-277 or as a child care facility licensed by the department of children and family services which is intended to serve as a residential group home shall be exempt from the provisions of this section.

(1) No owner or other person shall occupy or let to another person any rooming unit, dormitory unit or hotel unit unless it is clean and sanitary, and complies with all the applicable requirements of the City of Danbury, including the following:

a. Every operating license shall be issued for a period of one (1) year from its date of issuance, unless sooner revoked, and may be renewed for successive periods of not to exceed one (1) year.

- b. The Director of Health is hereby authorized, upon application therefor, to issue new operating licenses, and renewals thereof, in the names of applicant owners of hotels and roominghouses. No such licenses shall be issued unless the hotel or roominghouse in connection with which the license is sought is found after inspection to meet the requirements of this article and of applicable rules and regulations pursuant thereto.
- c. No operating license shall be issued or renewed unless the applicant owner has first made application therefor, on an application form provided by the Director of Health. The Director of Health shall develop such forms and make them available to the public.
- d. No operating license shall be issued or renewed unless the applicant owner agrees in his application to such inspections pursuant to subsection (1) of this section and section 20-134(1) as the Director of Health may require to determine whether the hotel or roominghouse in connection with which such license is sought is in compliance with the provisions of this article and with applicable rules and regulations pursuant thereto.
- e. Subject to the approval of the City Council, the Director of Health may set a reasonable fee schedule and receive fees pursuant thereto which are to be paid prior to the issuance of a license as required by this section.
- f. No operating license shall be issued or renewed for a nonresident applicant unless, subject to the Director's approval, such applicant designates in writing the Director of Health his agent for the receipt of service of an order of abatement as specified in this article and for service of process pursuant to this article.
- g. No operating license shall be issued or renewed for a resident applicant unless such applicant has first designated an agent for the receipt of service of notice of violations of the provisions of this article and for service of process pursuant to this article, when said applicant is absent from the City for thirty (30) or more days. Such a designation shall be made in writing and shall accompany each application form. The applicant may designate any person who is a resident in the City his agent for this purpose or, subject to the Director's approval, may designate the Director of Health his agent for this purpose.
- h. No operating license shall be renewed unless an application therefor has been made within sixty (60) days prior to the expiration of the present operating license.
- i. Each license shall be displayed in a conspicuous place within the common ways of the hotel or roominghouse. No license shall be transferable to another person or to another hotel or roominghouse. Every person holding an operating license shall give notice in writing to the Director of Health within twenty-four (24) hours after having transferred or otherwise disposed of the legal control of any licensed hotel or roominghouse. Such notice shall include the name and address of the person or persons succeeding to the ownership or control of such hotel or roominghouse.
- j. Every owner or other person in charge of a licensed hotel or roominghouse shall keep, or cause to be kept, records of all requests for repair and complaints by tenants, which are related to the provisions of this

article and to any applicable rules and regulations, and of all corrections made in response to such requests and complaints. Such records shall be made available by the owner or owner's agent to the Director of Health for inspection and copying upon demand. Such records shall be admissible in any administrative or judicial proceeding pursuant to the provisions of this article, as prima facie evidence of the violation or the correction of violation of this article or applicable rules and regulations pursuant thereto.

- k. Whenever, upon inspection of the licensed hotel or roominghouse, or of the records required to be kept by subsection (10) of this section, the Director of Health finds that conditions or practices exist which are in violation of the provisions of this article or of any applicable rules and regulations pursuant thereto, he shall serve the owner or owner's agent with an order of abatement in the manner hereinafter provided. Such order shall state that unless the violations cited are corrected in reasonable time, the operating license may be suspended.
- l. At the end of the time he has allowed for correction of the violation cited, the Director of Health shall reinspect the hotel or roominghouse, and, if he determines that such conditions have not been corrected, he may issue an order suspending the operating license.
- m. Any person whose operating license has been suspended shall be entitled, if the Director of Health so determines, to a formal hearing in the manner hereinafter provided by this article. If no request for a hearing reaches the Director of Health within two (2) days following receipt of the order for suspen-

sion, the license may be revoked, except that prior to revocation any person whose license has been suspended may request reinspection upon showing that the violations cited in the order have been corrected.

- n. If, upon reinspection, the Director of Health finds that the hotel or roominghouse in connection with which the order was issued is now in compliance with this article and with applicable rules and regulations pursuant thereto, he shall reinstate the license. A request for reinspection shall not exceed the suspension period, unless the Director of Health grants such request.
- (2) At least one (1) flush water closet, lavatory basin and bathtub or shower, properly connected to a water and sewer system approved by the Director of Health and in good working condition, shall be supplied for each six (6) persons or fraction thereof residing within a roominghouse or dormitory, including members of the operator's family wherever they share the use of the said facilities, provided that:
 - a. In a roominghouse or dormitory, where rooms are let only to males, flush urinals may be substituted for not more than one-half ($\frac{1}{2}$) the required number of water closets.
 - b. All such facilities shall be located within the dwelling so as to be reasonably accessible from a common hall or passageway to all persons sharing such facilities and shall be on the same floor as the rooming units, dormitory units or hotel rooms which they serve.
 - c. Every lavatory basin and bathtub or shower shall be supplied with heated and unheated water under pressure at all times.
 - d. No such facilities shall be located in a basement or cellar.

- (3) The following provisions shall apply in all roominghouses and hotels:
 - a. Cooking in units is prohibited.
 - b. Communal cooking and dining facilities in a roominghouse are prohibited, except as approved by the Director of Health in writing.
 - c. Access doors to units shall have operating locks to ensure privacy.
- (4) Unless exempted by the Director of Health in writing, the operator of every roominghouse and hotel shall change supplied bed linen and towels therein at least once a week, and prior to the letting of any room to any occupant; and the operator shall be responsible for the maintenance of all supplied bedding in a clean and sanitary manner.
- (5) Every room in a roominghouse, dormitory, or hotel used for living or sleeping purposes shall comply with all requirements of this article pertaining to a habitable room. Every rooming unit occupied by one (1) person shall contain at least one hundred ten (110) square feet of floor space, and every rooming unit occupied by more than one (1) person shall contain at least ninety (90) square feet of floor space for each occupant thereof; every such room shall also contain at least four (4) square feet of floor-to-ceiling closet space per occupant thereof, or, if it is lacking in whole or in part, an amount of space equal in square footage to the deficiency shall be subtracted from the area of habitable room space used in determining permissible occupancy.
- (6) Every rooming, dormitory, or hotel unit shall have immediate access to two (2) or more safe, unobstructed means of egress, with minimum headroom of six (6) feet six (6) inches, leading to safe and open space at ground level, as required by the law of the State of Connecticut and the City of Danbury. Access to or egress from each rooming unit shall be provided without passing through any other rooming unit.
- (7) Railing or parapets not less than thirty-four (34) inches high shall be placed around porches, balconies and roofs more than thirty (30) inches above the ground level which are used by occupants. Stairways having more than three (3) steps shall be equipped with railing.
- (8) All front, side and rear yards shall be maintained in a clean and sanitary condition. The occupants shall be responsible for the maintenance of their yards. Should the occupant fail to maintain his yard, then the owner shall be responsible for the maintenance thereof. No rubbish, garbage, debris or other waste matter shall be allowed to accumulate in any yard.
- (9) The operator of every roominghouse, dormitory, or hotel shall be responsible for the sanitary maintenance of all walls, floors, and ceilings and for maintenance of a sanitary condition in every other part of the roominghouse, dormitory or hotel and shall further be responsible for the sanitary maintenance of the entire premises where the entire structure or building is leased or occupied by the operator.
- (10) Special requirements for emergency housing shelters. Emergency housing shelters, providing temporary housing to homeless persons, operated by a governmental unit or a nonprofit corporation shall be required to meet all provisions of this section, with the exception of subsections (2) and (5) of this section. In lieu of these subsections, the operator shall be required to meet the following requirements:
 - a. At least one (1) flush water closet, lavatory basin and bathtub or shower, properly connected to a water and sewer system approved by the Director of Health and in good working condition, shall be supplied for each ten (10) persons or fraction thereof residing or expected to reside in the shelter. All such facilities shall be located within the shelter

so as to be reasonably accessible from a common hall or passageway to all persons sharing such facilities, and shall be on the same floor as the area housing the occupants unless otherwise approved by the Director of Health.

- b. Every shelter shall contain at least fifty (50) square feet of floor space for each occupant thereof. No room or area containing less than ninety (90) square feet of floor area shall be used to house occupants.

(Code 1961, § 10-11; Ord. No. 241, 3-6-1979; Ord. No. 334, 5-6-1986; Ord. No. 392, 6-5-1990; Ord. No. 394, 6-5-1990)

Chapter 21

RESERVED

1

2

3

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Chapter 22

LAW ENFORCEMENT

Article I. In General

Secs. 22-1—22-18. Reserved.

Article II. Police Department

Sec. 22-19.	Composition of department.
Sec. 22-20.	Oath of members of Department.
Sec. 22-21.	Gratuities prohibited.
Sec. 22-22.	Duties of the Deputy Chief.
Sec. 22-23.	Command of department.
Sec. 22-24.	Headquarters.
Sec. 22-25.	Special patrolmen.
Sec. 22-26.	School crossing guards.
Sec. 22-27.	Appointments.
Sec. 22-28.	Promotions.
Sec. 22-29.	Preferment of charges against Police Officers.
Sec. 22-30.	Private duty assignments, authorized; salary rates.



ARTICLE I. IN GENERAL

Secs. 22-1—22-18. Reserved.

ARTICLE II. POLICE DEPARTMENT***Sec. 22-19. Composition of department.**

Consistent with the provisions of the charter of the City, the Police Department of said City shall comprise the Chief of Police, a Deputy Chief and such other officers and employees as may be required to fulfill the mission of the Department.

(Code 1961, § 15-1; Ord. No. 654, 5-22-2006)

Sec. 22-20. Oath of members of Department.

Before entering upon the discharge of the duties of his office, every member of the police force shall make an oath or affirmation before some competent authority that he will support the Constitution of the United States and of the State of Connecticut, and will faithfully discharge the duties of his office, and shall cause a certificate of such oath or affirmation to be lodged with the Town Clerk.

(Code 1961, § 15-4; Ord. No. 654, 5-22-2006)

Sec. 22-21. Gratuities prohibited.

No fee or compensation other than the regular pay shall be charged or received by any member of the police force, nor shall any member of the force receive any present or reward for services rendered or to be rendered by him, unless with the consent of the City Council.

(Code 1961, § 15-6; Ord. No. 654, 5-22-2006)

Sec. 22-22. Duties of the Deputy Chief.

The Deputy Chief shall be second in command of the entire Department and, in the absence of the Chief of Police, shall assume all of the duties

***State law references**—Police departments generally, C.G.S. § 7-274 et seq.; authority of police to arrest without warrant for liquor, gambling violations, C.G.S. § 30-107; execution of criminal process, C.G.S. § 7-281; police protection at places of amusement, C.G.S. § 7-284; police matron required in certain cities, C.G.S. § 7-286; municipal liability for acts of police, C.G.S. § 7-465.

and responsibilities of the Chief. He shall perform all duties assigned to him by departmental regulations or lawful order of the Chief.

(Code 1961, § 15-8; Ord. No. 654, 5-22-2006)

Sec. 22-23. Command of department.

The overall command of the Police Department shall, in the absence of the Chief of Police, devolve upon the deputy chief. In the event that both the Chief and the Deputy Chief are absent from duty, overall command of the Department shall pass in the manner designated by the Chief.

(Code 1961, § 15-9; Ord. No. 654, 5-22-2006)

Sec. 22-24. Headquarters.

Police headquarters shall be kept open at all hours, and one (1) or more Police Officers shall be on duty in such headquarters at all times.

(Code 1961, § 15-10; Ord. No. 654, 5-22-2006)

Sec. 22-25. Special patrolmen.

All Special Police Officers shall be under the control of the Chief of Police and shall, when on duty, conform in all respects to departmental regulations and general orders governing Regular Police Officers. The Chief of Police shall call any or all of them for duty as occasion may require, and when on duty.

(Code 1961, § 15-12; Ord. No. 654, 5-22-2006)

Sec. 22-26. School crossing guards.

School crossing guards shall be under the control of the Board of Education.

(Code 1961, § 15-13; Ord. No. 654, 5-22-2006)

Sec. 22-27. Appointments.

(a) All applicants must be citizens of the United States.

(b) All applicants must have a high school diploma or an equivalent education certified by the state board of education.

(c) Every applicant shall have reached his twenty-first (21st) birthday.

(d) The vision of each applicant shall be at least 20/50 in each eye, correctable to 20/20 in each eye.

(e) Every applicant shall have normal hearing without the use of any hearing or other aids.

(f) The weight of each applicant shall be consistent with and in proportion to his height and age.

(g) Applicants who have been convicted of a crime involving moral turpitude shall be ineligible for examination or, after examination, shall be disqualified from eligibility for appointment.

(h) Each applicant must pass a thorough physical examination, including drug screening, an examination of physical agility and a psychological evaluation conducted by a physician or physicians or other qualified persons as designated by the City.

(i) Any applicant who is a member in good standing of the Danbury special police shall, after attaining a passing grade on the civil service examination, be credited with two (2) additional points for each full year of service as a Special Police Officer, but in no event shall said credit exceed ten (10) additional points, and provided that no additional points shall be credited to an applicant unless:

- (1) The applicant otherwise qualifies under other provisions of this section; and
- (2) The Chief of Police certifies that the applicant has during his term as a Special Police Officer:
 - a. Been qualified with his duty weapon as required by department regulations;
 - b. Conducted his duties, followed all lawful orders given, and conformed to all department regulations and general orders governing Regular Police Officers without reprimand;
 - c. Attended a majority of the instructional classroom sessions made available by the Chief of Police for the purpose of police officer training;

d. Performed at least one hundred sixty (160) hours of service as a Special Police Officer for the City of Danbury during each year for which the applicant claims a credit for purposes hereof.

(j) All appointments to the regular Police Department shall be for a probationary period of one (1) year, during which time the Probationary Police Officer shall successfully pass the basic police officer certification course as prescribed by the State of Connecticut, Police Officers Standards and Training Council (POST). If he fails to pass the course of training, he shall not be appointed a Regular Police Officer and shall be relieved of his duties as a Probationary Police Officer. The provisions of this subsection relative to the course of training may be waived by the Mayor if the applicant has previously completed a course of training required by the State of Connecticut. In addition, no person shall be permitted to assume the duties of a Police Officer unsupervised unless he shall have completed field training and in-service requirements, as prescribed by the State of Connecticut, Police Officers Standards and Training Council (POST).

(k) All appointments shall be based upon merit as the result of competitive examinations conducted under the auspices of the Civil Service Commission of the City. The Civil Service Commission shall avail itself of professional testing services for the written portion of the examinations.

(Code 1961, § 15-14; Ord. No. 654, 5-22-2006)

Sec. 22-28. Promotions.

(a) All applicants must have a certificate to show that they have successfully passed a course of training as prescribed by the State of Connecticut, Police Officers Standards and Training Council (POST).

(b) All promotions with the exception of the Chief, shall be based on merit as the result of competitive written and oral examinations conducted under the auspices of the Civil Service Commission of the City of Danbury. The Civil

Service Commission shall avail itself of professional testing services for the written portion of the examinations.

(c) All applicants for promotion to Sergeant or Detective Sergeant shall have either a minimum of four (4) years as a regular Danbury Police Officer or three (3) years as a regular Danbury Police Officer, but have at least an associate degree in police science and administration or the equivalent thereof from an institution accredited by the State Department of Education.

(d) All applicants for promotion to Lieutenant or Detective Lieutenant shall have served a minimum of one (1) year as Sergeant or Detective Sergeant and also have completed at least six (6) years of service in the regular Police Department.

(e) All applicants for promotion to Captain or Detective Captain shall have served a minimum of one (1) year as a Lieutenant or Detective Lieutenant and also have completed at least eight (8) years of service in the regular Police Department.

(f) All applicants for promotion to Deputy Chief shall have completed a minimum of one (1) year of service as a Captain or Detective Captain or three (3) years as a Lieutenant or Detective Lieutenant and have completed at least ten (10) years of service in the regular Police Department.

(Code 1961, § 15-15; Ord. No. 654, 5-22-2006)

Sec. 22-29. Preferment of charges against Police Officers.

The willful breach of any law of this state or ordinance of the City, neglect of duty, inefficiency, intoxication, insubordination, frequenting saloons or other places where liquors are exposed for sale, or drinking spirituous or intoxicating liquors, or playing at games therein, or any other disgraceful or improper conduct which will bring discredit on the police force or impair its usefulness, shall be considered sufficient cause for the preferment of charges against

the officer so offending under the provisions of the Charter of the City and the departmental regulations.

(Code 1961, § 15-16; Ord. No. 654, 5-22-2006)

Sec. 22-30. Private duty assignments, authorized; salary rates.

(a) *Policy and purpose.* On many occasions members of the Danbury Police Department are called upon to perform work under special assignments where requests are made for private police duty. To ensure the health, morals, safety and welfare of the community, such assignments are hereby authorized upon proper requests of the Police Department.

(b) *Authorization.* The Chief of Police of the Police Department of the City of Danbury or his duly designated representative be and he is hereby empowered and authorized to make such assignments for private duty under such rules, regulations and conditions as he may deem just and proper.

(Code 1961, § 15-17; Ord. No. 654, 5-22-2006)



Chapter 23

RESERVED



Chapter 24

LIBRARY*

- Sec. 24-1. Established; administration.
Sec. 24-2. Board of Directors.

*State law reference—Public libraries, C.G.S. § 11-20 et seq.



Sec. 24-1. Established; administration.

(a) There is hereby created and established a public library in accordance with C.G.S. ch. 190 (C.G.S. § 11-20 et seq.) for the City.

(b) The public library shall be free to the use of the residents of the City, subject to such reasonable rules and regulations as adopted by the Board of Directors.

(Code 1961, § 10A-1; Ord. No. 78, 9-6-1966)

Sec. 24-2. Board of Directors.

(a) *Appointment; terms.* The Mayor of the City, shall with the approval of the City Council appoint a board of nine (9) Directors who shall serve without compensation. Members shall be appointed for a term of three (3) years.

(b) *Powers and duties.* The powers and duties of the Board of Directors shall be as set forth in C.G.S. ch. 190 (C.G.S. § 11-20 et seq.).

(c) *Residence requirement.* No person shall be appointed to or reappointed to the Board of Directors unless he is a resident of the City of Danbury.

(Code 1961, §§ 10-A-2—10A-4; Ord. No. 78, 9-6-1966; Ord. No. 121, 11-7-1967)

State law reference—Library board of trustees, C.G.S. § 11-21.



Chapter 25

RESERVED



Chapter 26

LICENSES, PERMITS AND MISCELLANEOUS BUSINESS REGULATIONS

Article I. In General

- Sec. 26-1. Peddlers.
- Sec. 26-2. Regulation of bazaars and raffles; adoption of state law.
- Sec. 26-3. Notice of certain liquor permit renewal applications.
- Secs. 26-4—26-22. Reserved.

Article II. Closing Out Sales

- Sec. 26-23. License.
- Secs. 26-24—26-44. Reserved.

Article III. Entertainment Licenses

- Sec. 26-45. Definitions.
- Sec. 26-46. Violations and penalties.
- Sec. 26-47. Enforcement.
- Sec. 26-48. Purpose.
- Sec. 26-49. Applicability; exemptions.
- Sec. 26-50. License.
- Sec. 26-51. Restrictions.



ARTICLE I. IN GENERAL

Sec. 26-1. Peddlers.

(a) *Definition.* The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Peddler means any person, whether principal or agent, who goes from town to town or place to place in the same town selling or bartering, or carrying for sale or barter, or exposing therefor, any goods, wares or merchandise, either on foot or from any animal or vehicle.

(b) *License required; issuance.* No peddler, as herein defined, except those exempt under the General Statutes of the State of Connecticut or this section, shall be permitted to conduct business within the City of Danbury without first obtaining a license. The Chief of Police of the City of Danbury or his designee may authorize the Town Clerk to issue a license to any peddler authorizing such peddler to barter, sell, to exhibit for the sale of, or to exhibit for the purpose of taking orders for the sale of his goods or merchandise in the City of Danbury provided such peddler shall have fully complied with the provisions hereof and shall have made payment of the sum of two hundred dollars (\$200.00) to the Town Clerk for said license. Each license so issued shall contain a full-face photograph of the licensee.

(c) *Exemptions.*

- (1) The provisions of this section shall not apply to the sales by farmers and gardeners of the produce of their farms and gardens, or to the sale, distribution and delivery of milk, teas, coffees, spices, groceries, meats and bakery goods, to sale on approval, to conditional sales of merchandise, or to the taking of orders for merchandise for future delivery when full payment is not required at the time of solicitation.
- (2) The provisions of this section shall not apply to sales by charitable or nonprofit organizations or to sales made to dealers

by commercial travelers or selling agents in the usual course of business, nor to any sale of goods, wares or merchandise on the grounds of any incorporated agricultural society during the continuance of any annual fair held by such society, or to any general sale, fair, auction or bazaar held by any school, college or other educational institution, or by an ecclesiastical society or church corporation provided, however, that no peddler shall be relieved or exempted from the provisions of this section by reason of associating himself temporarily with any local dealer, auctioneer, trader or merchant, or by conducting his business in connection with or in the name of any local dealer, auctioneer, trader or merchant.

- (3) The provisions of this section shall not apply to peddlers whose total inventory within the City is less than twenty-five dollars (\$25.00).
- (4) No license fee shall be required from any resident of this state who has resided within the state for a period of two (2) years, next preceding the date of application for such license and who is an honorably discharged veteran who served in time of war, as defined by C.G.S. § 27-103 for the privilege of selling wares or merchandise within the limits of the City of Danbury pursuant to the provisions hereof. Issuance of a license hereunder may be deferred for a period not to exceed seven (7) days for the purpose of investigation. Each such veteran engaged in said occupation shall produce his discharge, certificate of honorable discharge from the service, or a copy thereof, certified by the Town Clerk from the records of the town where such discharge or certificate of discharge is recorded as provided in C.G.S. § 12-93 for inspection, together with a certificate from the Town Clerk that the applicant is a resident of the state, upon a demand of any proper City official and, if he fails to do so, he shall not be entitled to any

privilege under this section. Any person who makes a false representation for the purpose of availing himself of the privilege of this section shall be fined not more than twenty-five dollars (\$25.00).

(d) *Application: Information to be provided.* Every peddler who is subject to the provisions of this section shall make application to the Chief of Police for a license at least ten (10) days prior to the date of his contemplated sale or exhibit to be held in the City of Danbury. All such applications shall be in the form of an affidavit stating:

- (1) The full name and address of the peddler;
- (2) The location of his or its principal office and place of business;
- (3) The names and addresses of all agents and employees of the peddler who will represent the peddler in Danbury as salesmen;
- (4) The kind and character of the goods or merchandise to be bartered, sold, offered for sale or exhibited;
- (5) The period during which the applicant intends to solicit orders;
- (6) A physical description of the applicant setting forth his age, weight, height and color of hair and eyes;
- (7) Whether the applicant has been convicted of any crime and, if so, the nature of the matter and when and where it occurred;
- (8) A full description of each motor vehicle to be used, if any, while engaged in sales in the City of Danbury, including the make, year, type and registration of the vehicle involved. In addition, when requesting a license, the applicant shall submit to the Police Department a specimen of his signature, his fingerprints, two (2) copies of a recent photograph and his social security number.

Before any license, as herein provided, shall be issued to any peddler, such applicant shall file with the Town Clerk an instrument nominating and appointing the Town Clerk, or the person performing the duties of such position, his true

and lawful agent with full power and authority to acknowledge service of notice of process for and on behalf of said applicant in respect to any matters connected with or arising out of the business transacted under said license and the security given as required by this section, or for the performance of the conditions of said security, or for any breach thereof, which said instrument shall also contain recitals to the effect that said applicant for said license consents and agrees that service of any notice of process may be made upon said agent, and when so made shall be taken and held to be as valid as if personally served upon the person or persons applying for said license under this section, according to the law of this or any other state, and waiving all claim or right of error by reason of such acknowledgment of service or manner of service. Immediately upon service of process upon the Town Clerk, as herein provided, the Town Clerk shall send to the licensee at his last known address, by registered mail, return receipt requested, a copy of said process. Applicants for a peddler's license, when applying for such license, must show conclusive proof of possession of a State of Connecticut sales and use tax permit. No license shall be issued to any person pursuant to the provisions of this section whose business requires, or who uses in his business, any measure, weight or scale, until such person shall present to the Chief of Police a certificate from the sealer of weights and measures of the City of Danbury attesting that said measures, weights or scales have been tested by said sealer of weights and measures and found to be accurate. No licenses shall be issued to any corporation pursuant to the provisions hereof until the Town Clerk has been provided with a certificate issued by the State of Connecticut attesting to the good standing of said corporation.

(e) *Security.* Before any license, as provided by this section, shall be issued for engaging in peddling, as defined herein, such applicant shall file with the Town Clerk a bond running to the City of Danbury in the sum of one thousand dollars (\$1,000.00) executed by the applicant, as principal, and two (2) sureties upon which service of process may be made in the State of Connecticut, or such other equivalent form of security

as may be deemed satisfactory by the Corporation Counsel of the City of Danbury or his designee, conditioned upon full compliance by the applicant with all of the provisions of the ordinances of the City of Danbury and the statutes of the State of Connecticut, regulating and concerning the sale of goods, wares and merchandise, and will pay all judgments rendered against said applicant for any violation of said ordinances or statutes or any of them together with all judgments and costs that may be recovered against him by any person or persons for damage growing out of any misrepresentation or deception practiced on any person transacting such business with such applicant, whether such misrepresentations or deceptions were made or practiced by the licensee or by his servants, agents or employees, either at the time of making the sale or through any advertisement of any character whatsoever, printed or circulated with reference to the goods, wares and merchandise sold or any part thereof. Action on the security may be brought in the name of the City to the use of the aggrieved person. Such bond must be approved by the Corporation Counsel both as to form, and as to the responsibilities of the sureties thereon, if any. Said security shall be held for a period of three (3) months beyond the expiration of the license or the surrender of same to the Town Clerk.

(f) *Investigation; mechanics of issuance; non-transferability.* No license shall be issued for a period of at least ten (10) days after the application for such has been filed, nor later than one (1) month thereafter, as the requirements of a reasonable investigation may dictate. Upon approval of the applicant for a license, the Police Department shall retain the original application and return to the applicant the duplicate printed copy. The license shall not be transferable. The license must be signed by the Town Clerk. The Chief of Police, or his designee, may refuse to authorize the issuance of such license:

- (1) If the applicant has given false or misleading information on his application;
- (2) If the applicant fails to give any information required herein; or

- (3) If the applicant has been adjudged by any court to have been involved in or been a participant in any fraudulent action of any type or description, civil or criminal.

(g) *Grounds for revocation.* The Chief of Police may revoke a license if the licensee:

- (1) Has given false or misleading information on his application;
- (2) His agents or employees violate any of the provisions of this section;
- (3) Commits any fraud, misrepresentation or false statement in connection with the selling of goods, wares or merchandise;
- (4) Has been convicted of any felony or of a misdemeanor involving moral turpitude; or
- (5) Conducts the business licensed under this section in an unlawful manner or in such a manner as to constitute a breach of the peace, or to constitute a menace to the health, safety or general welfare of the public.

Upon revocation of the license of such peddler, such license and all permits issued to his employees or agents shall be delivered to the Police Department. The Chief of Police may not revoke any license issued hereunder unless the license holder is notified of his right to a hearing which notice shall be given in writing setting forth specifically the grounds of the complaint and the time and place of the hearing, if requested. Such notice shall be mailed postage prepaid, to the license holder, at his last known address, return receipt requested, at least five (5) days prior to the date set for the hearing.

(h) *Duration.* Licenses issued hereunder shall continue in effect until October 1st following the date of their issuance.

(i) *Permits for individual agents and employees of peddlers:*

- (1) *Required; authority to issue.* All individuals who are agents and employees of

peddlers shall be prohibited from conducting business within the City of Danbury until:

- a. Said peddler has been issued a license by the Town Clerk; and
 - b. Said agents and employees have obtained individual permits from the Chief of Police or his designee. The Chief of Police or his designee is authorized to issue a permit to any employee or agent of a licensed peddler authorizing any such employee or agent to barter, sell, exhibit for sale, or exhibit for the purpose of taking orders for sale, in the City of Danbury, of his goods or merchandise; but only after each such employee or agent has fully complied with the provisions hereof and has made payment in the sum of one dollar (\$1.00) for said permit. Permits will not be required for employees or agents of a principal who is otherwise exempt from the provisions of this section.
- (2) *Notification of Chief of Police as to additions or deletions from list of employees or agents.* It is the responsibility of the peddler to notify the Chief of Police, in writing, of any additions to or deletions from the list of names of said peddler's employees or agents.
- (3) *Application for permit; information to be provided.* Individuals who are or will be employees or agents of a peddler licensed hereunder shall make application to the Chief of Police for a permit at least ten (10) days prior to the date of the contemplated sale or exhibit to be held in the City of Danbury, which application shall be in the form of an affidavit stating:
- a. The full name and address of the peddler;
 - b. The name and address of such individual employee or agent of said peddler;
 - c. A physical description of the applicant setting forth his age, weight, height and color of hair and eyes;
 - d. Whether the applicant has been convicted of any crime and, if so, the nature of the matter and when and where it occurred;
 - e. The period during which the applicant intends to solicit; and
 - f. A full description of each motor vehicle to be used, if any, while engaged in sales in the City of Danbury, including the make, year, type and registration of the vehicle involved. In addition, when requesting a permit, the applicant shall submit to the Police Department a specimen of his signature, his fingerprints, two (2) copies of a recent photograph and his social security number.
- (4) *Investigation period; mechanics of issuance; nontransferability.* No permit shall be issued for a period of at least ten (10) days after the application for such has been filed, nor later than one (1) month thereafter, as the requirements of a reasonable investigation may dictate. The permit shall not be transferable. The permit must be signed by the Chief of Police or his designee.
- (5) *Grounds for refusal.* The Police Department may refuse to issue a permit:
- a. If the applicant has given false or misleading information on his application;
 - b. If the applicant fails to give all information required in subsection (i)(3) of this section;
 - c. If the applicant has been convicted of a crime; or
 - d. If the name of the applicant fails to appear in the license application of his principal.

- (6) *Grounds for revocation.* The Police Department may revoke a permit if the permittee:
 - a. Has given false or misleading information on his application;
 - b. Violates any provision of this section;
 - c. Is no longer an agent or employee of a licensed principal;
 - d. Commits any fraud, misrepresentation or false statement in connection with the selling of goods, wares or merchandise;
 - e. Has been convicted of a felony or of a misdemeanor involving moral turpitude; or
 - f. Has conducted his business in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

Upon revocation of a permit, the permittee shall deliver his permit to the Police Department.
- (7) *Duration.* The permit, as provided herein, shall continue in effect only so long as the license of the permittee's principal remains in effect.
- (8) *Presence of peddler during sale required.* No permit issued to an agent or employee of a licensed peddler shall be valid unless the licensed peddler is actually present on the premises where and while the agent or employee engages in business.
 - (j) *Rules and regulations.* Each peddler shall conform to the following rules and regulations:
 - (1) On all solicitations to sell, whether made in person, by telephone or otherwise, the peddler shall state his name, his principal's name, if applicable, and his permit or license number upon request. The permit or license is valid only between the hours of 9:00 a.m. and 5:00 p.m. for initial solicitations.
 - (2) Any sale or contract of sale which is completed without strict compliance with this section may be rescinded by the purchaser within seven (7) calendar days after execution, and all monies paid shall be promptly refunded to the purchaser, upon tender or offer of tender of the merchandise to the peddler.
 - (3) The peddler shall conduct himself at all times in an orderly and lawful manner.
 - (4) The peddler shall give a written receipt of all orders taken within the City of Danbury, which receipt shall be signed by the peddler and shall set forth a brief description of the goods, wares, merchandise or services ordered, the total purchase price thereof, and the amount received by the peddler from the purchaser.
 - (5) While engaged in business within the City of Danbury the peddler shall wear or otherwise conspicuously display the license or permit issued to him hereunder.
 - (6) Each peddler who advertises within the State of Connecticut concerning the conduct of his business in Danbury shall include a reference to his license number in every such advertisement.
 - (7) Each peddler who uses a motor vehicle shall plainly and conspicuously display on the front windshield of such motor vehicle a sign issued by the Chief of Police indicating that such person is a licensed peddler. Such sign shall contain the license number issued to the peddler and the date of expiration of such license.
 - (k) *One-day, twenty-four-hour licenses for parades.* A one-day, 24-hour peddler's license will be issued by the Town Clerk to peddlers or their agents engaged in the sale of various products at parades, upon written application submitted to and approved by the Chief of Police or his designee and upon payment of a fee of ten dollars (\$10.00). Badges shall be issued to peddlers pursuant to this subsection. Said badges shall be displayed conspicuously by licensee.

Applicants hereunder shall be excused from compliance with the provisions contained in subsections (b) and (e) of this section.

(l) *Liability insurance.* Any peddler as defined herein who engages in the selling of food or drink within the City of Danbury shall carry and maintain comprehensive general liability insurance including products liability coverage in the amount of five hundred thousand dollars (\$500,000.00) each occurrence. A certificate of insurance verifying the existence of the required coverage shall be provided to the Town Clerk by the peddler prior to the issuance of a license pursuant to this section.

(m) *Penalty.* Any person who engages in the business of peddling without complying with the provisions of this section shall be fined not more than fifty dollars (\$50.00).
(Code 1961, § 11-4; Ord. No. 228, §§ 1—15, 9-6-1977; Ord. No. 293, 1-4-1983; Ord. No. 300, 11-17-1983; Ord. No. 537, 6-1-1999)

State law reference—Local regulation of peddlers, C.G.S. § 21-36 et seq.

Sec. 26-2. Regulation of bazaars and raffles; adoption of state law.

In order to effectively regulate bazaars and raffles to be held within the City of Danbury, the City does hereby adopt the provisions of C.G.S. §§ 7-170 through 7-186.
(Code 1961, § 11-5; Ord. No. 304, 3-6-1984)

Sec. 26-3. Notice of certain liquor permit renewal applications.

Each person who files an application pursuant to section C.G.S. § 30-39 for renewal of a liquor permit that allows on-premises serving or consumption of alcoholic liquor at a place of business located within the city shall simultaneously give written notice of such liquor permit renewal application to the Danbury Chief of Police or his designee. The chief or his designee may respond in writing, not later than fifteen (15) days after receipt of such notice, to the Commissioner of Consumer Protection, with comments regarding the renewal application that is the subject of such notice.
(Ord. No. 19, 5-5-2015)

Secs. 26-4—26-22. Reserved.

ARTICLE II. CLOSING OUT SALES*

Sec. 26-23. License.

Pursuant to the provisions of C.G.S. § 21-35d, before selling under the state license prescribed in C.G.S. § 21-35b, each person conducting a closing-out sale shall make application to the Police Chief for a municipal license. Upon payment of a fee of seventy-five dollars (\$75.00), the Town Clerk shall issue such license, which shall remain in force as long as the licensee continuously keeps and exposes for sale in the City such stock of goods, wares or merchandise, but not later than October 1st following its date. Upon such payment and proof of payment of all other license fees, if any, chargeable upon local sales, the Town Clerk shall record the state license of such vendor in full, shall endorse thereon the words "local license fees paid" and shall affix thereto his official signature and the date of such endorsement.

(Code 1961, § 7-1; Ord. No. 25, § A, 8-6-1964)

Secs. 26-24—26-44. Reserved.

ARTICLE III. ENTERTAINMENT LICENSES

Sec. 26-45. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Amplified means any music, sound or other noise which utilizes electronic equipment that increases the strength of electrical signals passing through it by use of electronically powered microphones, speakers, or bullhorns.

Application means an entertainment license application, the form of which shall be provided by the City to all persons required to obtain a license pursuant to this article.

***State law reference**—Closing out sales, C.G.S. § 21-35a et seq.

Downtown Revitalization Zone means the Downtown Revitalization Zone (DRZ) as defined in the City of Danbury Zoning Regulations.

Entertainment means live or pre-recorded amplified musical performances, and dancing to live or pre-recorded amplified music or song, either by patrons or by performers for the benefit of an audience of two (2) or more persons.

Establishment means any existing or proposed place of business located in the DRZ which is open to the public or a private club, with or without the requirement of an admission fee, providing amplified entertainment as specified herein, including cafes, restaurants, taverns, dance halls, clubs, and other uses as specified in the City of Danbury Zoning Regulations which offer entertainment activities.

Licensee means the owner, operator or permittee, as designated by the State, of the establishment, whether owned or leased by the licensee, who applies for and executes the entertainment license application. If the owner or operator is different from the licensee, the owner and/or operator shall also execute and agree to be bound by the representations contained in the application and by the terms of this article, and shall be considered a licensee in addition to the permittee.

UNIT means the City of Danbury Unified Neighborhood Inspection Team whose members are or may hereafter be appointed by the Mayor. (Ord. No. 720, § 11-6(c), 12-4-2012)

Sec. 26-46. Violations and penalties.

(a) Any establishment found in violation of any of the restrictions specified in this article by a Police Officer of the Danbury Police Department or other City official authorized to enforce this article shall be issued a citation of violation in accordance with sections 2-2 and 2-3 for the following penalties to the licensee:

- (1) First offense: letter of warning pursuant to section 2-2(c).
- (2) Second offense within twelve (12) calendar months of first offense: license suspension of fifteen (15) days.

(3) Third offense within twelve (12) calendar months of second offense: license suspension of thirty (30) days.

(4) Fourth offense within twelve (12) calendar months of third offense: revocation of license. The licensee may reapply for a license no sooner than six (6) months after the date of the violation.

The citation of violation shall be hand delivered or sent by registered mail within ten (10) days of the violation. The penalties specified above shall only pertain to the provision of entertainment on the premises and shall be in addition to any assessments or penalties imposed pursuant to section 2-2(b)(4) for violations of section 28-53(h). No suspension or revocation under subsections (a)(2), (3) or (4) of this section shall be imposed unless and until the licensee is provided with at least fifteen (15) days' prior written notice of the proposed suspension or revocation. The notice shall set forth the proposed grounds for the suspension or revocation and provide the licensee with an opportunity to request a hearing before a Citation Hearing Officer appointed pursuant to section 2-3(b) to show why the license should not be suspended or revoked. Any such request by the licensee shall be in writing and addressed to the official issuing the citation and to the City's Office of the Corporation Counsel and shall be delivered by hand or sent by mail no later than ten (10) days after the date of receipt of the notice. Any person who does not deliver or mail written demand for a hearing within such ten (10) day period shall be deemed to have admitted liability, and the issuing official shall certify such person's failure to respond to the Hearing Officer. The hearing shall be held in accordance with the procedures set forth in section 2-3(a). If the Hearing Officer determines that the license shall be suspended or revoked, he shall enter an order which shall set forth the date on which the suspension or revocation shall take effect, which shall be no later than fifteen (15) days from the date of entry of the order.

(b) If any person violates any provision of this article by either failing to comply with the requirements of any license issued hereunder, or failing to apply for a license as may be required,

such person shall be liable to the City for its costs and reasonable attorney's fees in any action in the State courts to enforce this article.

(Ord. No. 720, § 11-6(h), (i), 12-4-2012)

Sec. 26-47. Enforcement.

Enforcement of this article may be conducted by Police Officers of the Danbury Police Department, members of the UNIT, or by the City's Zoning Enforcement Officer. At all times while the premises are occupied, police and other enforcement officials, while on duty, must be admitted and granted access to the entire licensed premises, including the parking lot and other areas surrounding the building. No licensee or any employee thereof shall in any way interfere with the official duties or activities of any such police or enforcement official. No licensee or employee thereof shall harass, either verbally or physically, any police or other enforcement official while such police or other enforcement official is performing his official duties on or within the establishment or other areas surrounding the establishment.

(Ord. No. 720, § 11-6(g), 12-4-2012)

Sec. 26-48. Purpose.

Places of business located in the City's Downtown Revitalization Zone (DRZ) which provide amplified music, sound or other noise for musical performances or dancing may have a detrimental effect on adjacent public or private property because of excessive noise, accumulation of outdoor trash, and alcohol abuse. The requirement of an entertainment license will provide standards for the appropriate operation of such places of business and penalties for violations thereto.

(Ord. No. 720, § 11-6(a), 12-4-2012)

Sec. 26-49. Applicability; exemptions.

This article shall apply to any place of business located within the DRZ offering, on a regular or occasional basis, entertainment which includes live or pre-recorded amplified musical

performances, or dancing to live or pre-recorded amplified music or song, except for the following exempt activities:

- (1) Religious services or performances at any church or other place of worship.
- (2) Any place of business that only provides background music or musical performances that do not disrupt normal conversation.
- (3) Any activity approved by the City or otherwise permitted by law to take place on public land.
- (4) Any temporary circus, farmers' market, festival, or carnival exempt from securing a zoning permit in accordance with the City of Danbury Zoning Regulations or otherwise exempt from the City's Zoning Regulations pursuant to State or Federal law.
- (5) Public and private school programs; studios for instruction in music or dance.

(Ord. No. 720, § 11-6(b), 12-4-2012)

Sec. 26-50. License.

(a) An application is required to be submitted to and approved by the City to provide entertainment in all establishments. The licensee of an establishment shall be held responsible for all violations of the requirements and restrictions specified herein. Approval of the application shall be a prior condition to operate an establishment providing entertainment. An application shall include a completed application form as provided by the City, a floor plan of the establishment and outdoor premises, and payment of all required fees. An application shall not be submitted prior to receipt of all required land use approvals for the proposed use. The application shall be submitted to the City's Zoning Enforcement Officer, who shall approve or deny the application within thirty (30) days after submittal. An application shall be approved if it complies with all requirements set forth in this article and the application; if the Zoning Enforcement Officer denies the application, he shall explain in writing to the applicant why the application does not comply with the requirements of this article or

the application. A license shall be valid for three (3) years from the date of issuance unless there is a change in the licensee, in which case a new application shall be submitted, including payment of all fees, and approved prior to the commencement of any applicable activity after the change; or the license is revoked pursuant to section 26-47. A license is not transferable. The fee for a license shall be \$500.00 and shall be paid at the time the application is submitted to the Zoning Enforcement Officer.

(b) All establishments which are required to submit an application shall comply with the requirements of this article as well as all other applicable Federal, State and City regulations.

(c) Any establishment which is lawfully in existence as of the effective date of the ordinance from which this article is derived shall be allowed to continue providing entertainment, provided that it files an application no later than thirty (30) days after the date of the ordinance from which this article is derived. The first application fee shall be waived for such establishments. (Ord. No. 720, § 11-6(d), (e), 12-4-2012)

Sec. 26-51. Restrictions.

(a) Any establishment which receives a license under this article shall comply, as a condition of the license, with the following requirements, which are intended to provide reasonable assurances that the quiet, safety and cleanliness of the premises and vicinity are maintained:

(1) Noise.

- a. All amplified music, speech or noise shall be contained within a building on the premises. No amplified equipment, including speakers and bullhorns, shall be so positioned to direct music or other sound outside the building. The establishment shall provide adequate ventilation within the structure such that all windows shall be closed during amplified entertainment and exterior doors shall be open only for the passage of employees and patrons.

- b. No employee or patron shall vocally promote entertainment provided on the premises by shouting or the use of a bullhorn, amplified microphone, or speakers outdoors.
- c. A licensee shall not make, cause to be made or otherwise allow any loud or unreasonable noise to emanate from the establishment. Noise shall be deemed to be unreasonable when it disturbs, injures or endangers the peace or health of neighboring persons of ordinary sensibilities or when it endangers the health, safety or welfare of the community. Any such noise shall be considered to be a noise disturbance and public nuisance. The prohibitions of this section shall apply whether or not the noise exceeds the decibel levels set forth in section 28-53(e).

(2) Hours of operation.

- a. The hours of operation for entertainment shall be from 9:00 a.m. to 1:00 a.m. on Monday, Tuesday, Wednesday, Thursday and Friday, and from 9:00 a.m. to 2:00 a.m. on Saturday, and from 11:00 a.m. to 2:00 a.m. on Sunday. No patron shall be permitted to consume alcoholic beverages after the closing hour.
- b. No patron shall be admitted to the premises after the closing hour. All patrons shall leave the licensed premises within thirty (30) minutes after the closing hour.
- c. The licensee and employees of the premises may remain on the premises after closing for the purpose of cleaning, maintenance, security, food preparation, and closing the business.
- d. Establishments that serve alcohol shall not conduct events directed to persons under age twenty-one (21) (e.g., "teen nights" and "18 and over"

parties) except for such events at which alcohol is not served and which events take place in a portion of the establishment that is fully and securely separated by walls, dividers or other code-compliant barriers from areas where alcohol is served or consumed.

(3) *Maintenance, design and security.*

- a. All licensees shall maintain efficient and affirmative supervision over the conduct of their patrons in the licensed premises or on sidewalks contiguous to the licensed premises, to include maintaining free and clear passage on public rights-of-way, on real property owned or leased by the licensee on which the licensed premises are located, and in parking areas owned or leased by the licensee for use by patrons of the licensed premises.
- b. All licensees shall be responsible for maintaining all outdoor space on the premises, including parking areas, decks, seating areas and all other lands owned or leased by the licensee, and on all abutting public sidewalks of the premises. All such outdoor space shall be kept clear of litter and cleaned daily within eight (8) hours after each closing.
- c. Entertainment shall be inside the building in locations designated in the application to minimize noise or other nuisances affecting adjacent property.
- d. The licensee shall not knowingly admit to the premises any person who is then under the influence of intoxicating beverages or of drugs, nor shall the licensee knowingly permit the possession, sale or use of illegal narcotics or hallucinogenic drugs on the premises.
- e. All fights, disturbances, violence or any other violation of law shall be

reported to the police immediately by the licensee or employees of the establishment.

- f. All establishments which serve alcoholic beverages shall comply with and be operated in accordance with all applicable Federal, State and City regulations.
- g. The establishment shall implement other conditions and/or management practices necessary to ensure that management and/or patrons of the establishment maintain the quiet, safety and cleanliness of the premises and the vicinity of the use.
- h. The licensee shall take all reasonable measures to ensure that public sidewalks and private ways adjacent to the premises are not blocked by patrons or employees and shall provide security whenever patrons gather outdoors.
- i. Employees of the establishment shall be posted at all entrances and exits to the establishment during the period from 10:00 p.m. to such time past closing that all patrons have left the premises. These employees shall take reasonable steps to prevent patrons waiting to enter the establishment and those exiting the establishment from disrupting the quiet and cleanliness of the neighborhood as they leave the establishment.

(b) Whenever a licensee allows a promoter to use the premises for a particular entertainment event, the licensee shall inform the promoter of the requirements of this article and shall, at least five (5) days prior to the event, obtain the promoter's agreement to abide by those requirements, provided that the licensee shall remain responsible to the City for compliance with this article.

(Ord. No. 720, § 11-6(f), 12-4-2012)

Chapter 27

RESERVED



Chapter 28

OFFENSES AND MISCELLANEOUS PROVISIONS

Article I. In General

- Sec. 28-1. Obstructing, resisting public officials.
- Sec. 28-2. Tobacco vending machines.
- Secs. 28-3—28-22. Reserved.

Article II. Offenses Involving Property Rights

- Sec. 28-23. Property; defacing, damaging, trespassing on.
- Secs. 28-24—28-49. Reserved.

Article III. Offenses Involving Public Peace and Order

- Sec. 28-50. Alcoholic beverages; consumption, possession in public places.
- Sec. 28-51. Panhandling control.
- Sec. 28-52. Loitering, unlawful assemblies.
- Sec. 28-53. Regulation of noise.
- Sec. 28-54. Neighborhood preservation of quality of life; creation of Neighborhood Preservation Zone (NPZ).
- Sec. 28-55. Obstruction to public travel.
- Sec. 28-56. Abandoned shopping carts.
- Secs. 28-57—28-83. Reserved.

Article IV. Offenses Involving Underage Persons

- Sec. 28-84. Possession of alcohol by minors.
- Sec. 28-85. Child sex offender in child safety zone.



ARTICLE I. IN GENERAL

Sec. 28-1. Obstructing, resisting public officials.

No person shall resist, hinder, or obstruct the Mayor, the City Engineer, any Health Officer, City Firefighter, Police Officer, or any other public official in the discharge of the duties of his office.

(Code 1925, § 142; Code 1961, § 12-21)

State law references—Interference with certain public officers, C.G.S. § 53a-167a; failure to assist police officer, firefighter, etc., C.G.S. § 53a-167b; assaulting certain public officers, C.G.S. § 53a-167c.

Sec. 28-2. Tobacco vending machines.

(a) The City of Danbury finds that:

- (1) C.G.S. §§ 53-344 and 53-344a make it unlawful for any person engaged in the manufacture or sale of cigarettes to sell, barter, give or deliver cigarettes to any individual under the age of eighteen (18) years; and
- (2) C.G.S. § 12-289a(h) authorizes a town or municipality to ban or significantly restrict the placement of vending machines for cigarettes.

(b) No person shall dispense, or cause to be dispensed, cigarettes from vending machines, except restricted vending machines, at any location within the City of Danbury. In this section the term "vending machine" means a cigarette vending machine as defined in C.G.S. § 12-285 and the term "restricted vending machine" means a restricted cigarette vending machine as defined in C.G.S. § 12-285.

(Code 1961, § 12-30; Ord. No. 556, 11-8-2001)

Secs. 28-3—28-22. Reserved.

ARTICLE II. OFFENSES INVOLVING PROPERTY RIGHTS

Sec. 28-23. Property; defacing, damaging, trespassing on.

No person shall daub, besmear or mark any fence, building, sidewalk, tree, hydrant, lamp-

post, or other property, public or private, without the license of the owner, nor shall any person willfully injure or climb upon any building, hydrant, tree, fence, lamppost, lamp or fixture, water trough, lighting or electrical apparatus or any article of property, public or private belonging to another, trespass upon, enter or break into any vacant or used building without permission of the owner.

(Code 1925, §§ 130, 133, 148; Code 1961, § 12-24)

State law reference—Burglary, criminal trespass, criminal mischief and related offenses, C.G.S. § 53a-100 et seq.

Secs. 28-24—28-49. Reserved.

ARTICLE III. OFFENSES INVOLVING PUBLIC PEACE AND ORDER

Sec. 28-50. Alcoholic beverages; consumption, possession in public places.

(a) *Findings of fact.* The consumption of alcoholic liquor within the public highways, public parks, public grounds and in motor vehicles parked on said premises in the City has resulted in the disturbance of the peace, damage to public and private property and the proliferation of litter.

(b) *Definitions.* For purposes of this section:

Alcoholic liquor shall have the same meaning as in C.G.S. ch. 545 (C.G.S. § 30-1 et seq.).

Motor vehicle shall have the same meaning as in C.G.S. § 14-1.

Possession with intent to consume shall mean having in one's possession or control, alcoholic liquor in a glass, open bottle, open can or other open container so as to permit consumption.

Public highways shall mean all public highways within and under the control of the City and shall include the sidewalks.

Public parks and public grounds shall mean those areas owned by or under the control of the City or customarily used by the general public.

(c) *Prohibited.* Except as permitted by subsection (d) of this section, no person shall consume or possess with intent to consume any alcoholic

liquor within the limits of any public highway, public park or public ground as they exist within the City. For purposes of this section, without limiting the generality of the foregoing, the consumption of alcoholic liquor in motor vehicles parked on said premises shall also be deemed a violation hereof.

(d) *Exception to prohibition.* Persons may possess alcoholic liquor with the intent to consume and may consume alcoholic liquor during any public function, festival or celebration without violating this section; provided, however, the Parks and Recreation Director has first given written authorization to permit the sale, service or distribution of alcoholic liquor at or in connection with such function, festival or celebration.

(e) *Penalty for violations.* Any person violating the provisions of this section shall be fined not more than twenty-five dollars (\$25.00) for each offense.

(Code 1961, § 12-1.1; Ord. No. 248, §§ 1—4, 8-16-1979)

Sec. 28-51. Panhandling control.

(a) *Generally.* The purpose of this section is to curtail inappropriate behavior by individuals engaged in panhandling or begging, thereby maintaining and protecting the physical safety and well-being of the public and otherwise fostering a safe and harassment-free climate in public places within the City of Danbury.

(b) *Definitions.* As used in this section, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended.

Aggressive panhandling means to beg in a manner:

- (1) Intended to threaten, intimidate or coerce another person into giving money or goods.
- (2) Which a reasonably prudent individual would perceive as threatening, intimidating or coercive.
- (3) Intended to obstruct pedestrian or vehicular traffic.

- (4) Which could deter a reasonably prudent individual from passing through or remaining in or near any thoroughfare, or public place because of fear, concern or apprehension caused by such behavior.

Obstruct pedestrian or vehicular traffic means to walk, stand, sit, lie or place an object in such a manner as to block passage by another person or a vehicle, or to require another person or a driver of a vehicle to take evasive action to avoid physical contact.

Panhandling and begging means asking for money or goods as a charity or gift, whether by words, bodily gesture, signs or other means.

Public place means an area open to the general public, including sidewalks, streets, alleys, driveways, parking lots, parks, plazas, buildings and doorways and entrances to buildings.

Public transportation vehicle means any bus or train available for use by the general public.

(c) *Prohibited acts.* The following conduct shall be deemed to violate the provisions of this section:

- (1) No person may engage in aggressive panhandling in any public place within the City of Danbury. To constitute a violation of this subdivision, the violator's conduct must be such as to demonstrate a specific intent to beg in a threatening, intimidating or coercive manner.
- (2) No person may engage in panhandling or begging in any public transportation vehicle or within twenty-five (25) feet of any bus or train station or stop.
- (3) No person may engage in panhandling or begging within twenty-five (25) feet of any automatic teller machine.
- (4) No person may engage in panhandling or begging from the operator or any occupant of a motor vehicle that is in traffic on a public street or in such a manner as to obstruct pedestrian or vehicular traffic.

(d) *Interpretation.* No provision of this section shall be interpreted or construed to prohibit speech, expression or conduct protected by the laws of the United States or of the State of Connecticut.

(e) *Penalty for violation.* Any person violating this section shall be fined not more than twenty-five dollars (\$25.00).
(Code 1961, § 12-12; Ord. No. 543, 5-2-2000; Ord. No. 552, 12-5-2000)

Sec. 28-52. Loitering, unlawful assemblies.

(a) *Definitions.* For the purposes of this section:

Loiter shall encompass, but shall not be necessarily limited to, one (1) or more of the following acts:

- (1) Obstruction of the free, unhampered passage of pedestrians or vehicles.
- (2) Obstructing, molesting or interfering with any person lawfully upon any street, park or other public place.
- (3) Remaining idle in essentially one (1) location without being able to establish having a legitimate purpose in so remaining idle, or, by general conduct, exhibiting the absence of a lawful purpose in so remaining idle. In determining whether or not a legitimate or lawful purpose for remaining idle has been established, consideration shall be given to the fact that the person takes flight upon appearance of a law enforcement officer, refuses to identify himself, or manifestly endeavors to conceal himself or any object. Unless flight by the person or other circumstance makes it impracticable, a law enforcement officer shall, prior to any arrest for an offense under this section, afford the person an opportunity to dispel any alarm or immediate concern which would otherwise be warranted by requesting him to identify himself and explain his presence and conduct. No person shall be convicted of an offense under this section if the law enforcement officer did not comply with this procedure

or if it appears at trial that the explanation given by the person is true, and if believed by the officer at the time, would have dispelled the alarm or immediate concern.

- (4) Refusing to move on when so requested by a peace officer, or other officer having the power of arrest, provided such officer has exercised his discretion reasonably under the circumstances in order to, preserve or promote public peace and order.

Other public place includes the quasi-public area in front of or adjacent to any store, shop, restaurant, luncheonette or other place of business and includes also any parking lots or other vacant property not owned or under the dominion of the person charged with a violation of this section. Enforcement of this section as it relates to the term "other public places," as herein defined, shall be conditioned upon a request for such enforcement by the owner or agent of said other public place sent by certified mail, return receipt requested, to the attention of the Chief of Police of the City. In addition to the name of the owner and a description of the property involved, said request shall include a certification stating that the provisions of this section relating to posting of notice have been complied with.

(b) *Prohibited.*

- (1) It shall be unlawful for any person to idly assemble, loiter, lounge or sleep in or upon any street, sidewalk or public place or in any public buildings, or in a park during those hours it is closed to the public, or obstruct the access to any public building or any part thereof, or obstruct passage through or upon any public street or park.
- (2) It shall be unlawful for any person to idly assemble, loiter, lounge or sleep in other public places, as hereinafter defined, if the owner thereof has posted a sign in such a place and in such a manner as is reasonably calculated to afford notice of the prohibition to all interested parties.

(c) *Penalty for violation.* Any person violating any of the provisions of this section shall be fined in an amount not exceeding ninety dollars (\$90.00).

(Code 1925, § 144; Code 1961, § 12-13; Ord. No. 247, §§ 1—3, 8-16-1979; Ord. No. 521, 12-3-1996)

State law reference—Authority to prohibit loitering, C.G.S. § 7-148(c)(7)(F)(i), (c)(7)(F)(ii).

Sec. 28-53. Regulation of noise.

(a) *Statement of purpose.* The purpose of this section is to carry out and effectuate the public policy of the State of Connecticut, the federal government and the City of Danbury concerning the regulation of those activities causing measurably excessive noise and noise disturbance within the City limits. A second purpose is to protect the safety, health and general welfare of all its citizens as the people have a right to and should be ensured an environment free from excessive noise which may jeopardize their general welfare and quality of life.

(b) *Enforcement.* In recognition of the rights of free peoples to perform their daily activities without undue governmental interference, enforcement of this section shall be in accordance with specified guidelines indicated and delineated in subsection (f) of this section.

(c) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Commercial zone means general commercial zones, light commercial zones, neighborhood commercial zones, all as defined in the zoning regulations of the City, and all uses associated therewith, either permitted as of right or as specially excepted uses.

Construction means any site preparation, assembly, erection, substantial repair, alteration, or similar action, but excluding demolition, for or of private rights of way, structures, utilities or similar property.

Daytime hours means hours between 8:00 a.m. and 8:00 p.m., Monday through Saturday, and the hours 10:00 a.m. through 8:00 p.m. on Sundays and holidays.

Decibel means a logarithmic unit of measurement used in measuring magnitudes of sound. The symbol is dB.

Domestic power equipment means equipment including, but not limited to, power saws, snow removal equipment, drills, grinders, lawn and garden tools and other domestic power equipment intended for use in residential areas by a homeowner.

Emergency work means any work made necessary to restore property to a safe condition following an emergency, or work required to protect persons or property from exposure to imminent danger.

Impulse noise means sound of short duration, usually less than one (1) second, with an abrupt onset and rapid decay.

Industrial zone means industrial district, as defined by the zoning regulations of the City.

Motor vehicle is defined as per C.G.S. § 14-1(47).

Muffler means a device for abating sounds such as escaping gases.

Nighttime hours means the hours between 8:00 p.m. and 8:00 a.m., Sunday evening through Saturday morning, except that the term "night" means the hours between 8:00 p.m. Saturday and 10:00 a.m. on Sunday and 8:00 p.m. of the day preceding a recognized, national holiday and 10:00 a.m. on said holiday.

Noise means any excessive sound or disturbance, the intensity of which exceeds the standards set forth in paragraph (f) of this section measured either by a sound level meter or by a plainly audible standard as set forth in this section.

Noise Control Officer means, as authorized by C.G.S. § 22-73(b)(2), and in addition to the Danbury Police Department, a municipal official within the unit or such other department as

designated by the Mayor, the official charged with day to day monitoring and enforcement of noise.

Noise level means the sound pressure level in decibels as measured with a sound level meter using the A-weighting network. The level so read is designated dB(A) or dBA.

Plainly audible is a standard for measurement of noise that means any sound measured without meters and that can be detected by a person using their unaided hearing faculties and measured by standards that are objective, specific and easily understood.

Premises means any building, structure, land or portion thereof, including all appurtenances, and shall include yards, lots, courts, inner yards and real properties without buildings or improvements owned or controlled by a person.

Property line means that real or imaginary line along the ground surface and its vertical extension which separates real property owned or controlled by any person from contiguous real property owned or controlled by another person, and separates real property from the public right-of-way.

Residential zone means single-family residence zones and multifamily residence zones, as defined by the zoning regulations of the City, and all uses associated therewith, either permitted as of right or as specially excepted uses.

Sound means a transmission of energy through solid, liquid or gaseous media in the form of vibrations which constitute alterations in pressure or position of the particles in the medium and which in air evoke physiological sensations, including, but not limited to, an auditory response when impinging on the ear.

Sound level meter means an instrument to take sound level measurements and which should conform, as a minimum, to the operational specifications of the American National Standards Institute for sound level meters.

(d) *General prohibitions.*

- (1) It shall be unlawful for any person within the City to make, continue or cause to be made or continued any loud, unneces-

sary, unusual or excessive noise, or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the limits of the City as provided in subsection (f) of this section.

- (2) *Plainly audible standards.* All restrictions or prohibitions in this section, except for subsection (e)(8) of this section, may be enforced by sound level meter or by determination made pursuant to the "plainly audible" standards established by law and by this section.

(e) *Specific prohibitions.* The following, not inconsistent with state law, are acts specifically prohibited under this section:

- (1) *Commercial activity.* Commercial construction, commercial truck activity, demolition, excavation and building operations before 7:00 a.m. Monday through Friday, before 8:00 a.m. Saturday, before 10:00 a.m. Sunday, and after 8:00 p.m. any day.
- (2) *Vehicle horns.* No person shall at any time sound any horn or other audible signal device of a motor vehicle excluding the standards set forth in subsection (f) of this section, unless it is necessary as a warning to prevent or avoid a traffic accident.
- (3) *Sensitive areas.* The creation within the City of any excessive noise, excluding the standards set forth in subsection (f) of this section, in the vicinity of any school, institution of learning, church, court, hospital or nursing home while the same is in use which impacts the workings of such institution or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed at or near such building indicating that the same is a school, institution of learning, church, court, hospital or nursing home.
- (4) *Loud vehicle noise.* Loud or raucous noise from devices or equipment and specifi-

cally including plainly audible sounds emanating from motor vehicles or other vehicles, whether stationary or moving.

- (5) *Amplification (private)*. Personal or commercial music amplification or reproduction equipment operated in a manner on or from any property at a distance of fifty (50) feet in any direction from the operator during the daytime or nighttime hours specified in this section.
- (6) *Amplification (public)*. Self-contained portable, handheld music or sound amplification or reproduction equipment operated in or on a public space or public right-of-way in such a manner at a distance of fifty (50) feet in any direction from the operator during the daytime or nighttime hours specified in this section.
- (7) *Business or performance noise*. No person shall operate or use or cause to be operated any sound production device, for commercial or business advertising purposes or for the purpose of attracting attention to any performance, show, sale or display of merchandise, in connection with any commercial business enterprise:
 - a. Outside or in front of any such building, place or premises, abutting on or adjacent to any street, park or public space;
 - b. In or upon any vehicle operated, standing or being in or on any public street, park or place;
 - c. From any stand, platform or other;
 - d. From any airplane or other devices used for flying over the City;
 - e. From any boat on the waters within the jurisdiction of the City; or
 - f. Anywhere on the public streets, public sidewalks, parks or places where sound from such reproduction device may be heard from any public street, sidewalk, park or place.
- (8) *Motor vehicle noise*.
 - a. *State regulations*. All motor vehicles operated within the City limits shall

be subject to the noise standards and decibels levels set forth in the regulations authorized in sections 14-80a-1a through 14-80a-10a inclusive of the Regulations of Connecticut State Agencies.

- b. *Local regulation (other vehicle noise)*. Sound amplifying devices on, within or emanating from motor vehicles of any manner shall be regulated in accordance with subsection (e)(4) of this section.
- (9) *Motorcycles*. No person shall cause or permit any motorcycle to operate on a public right-of-way where the muffler or exhaust generates a sound that is plainly audible to another individual.
- (f) *Noise zone standards*.
 - (1) General noise standards are intended to conform to the regulations of the State of Connecticut applicable to the stationary sources of noise, as set forth in Connecticut State Regulations Section 22a-69-3.5, as amended, as well as mobile sources of noise that are beyond the scope of said regulations.
 - (2) In addition to the plainly audible nonmetered standard set forth in this section, sound level meters may be utilized to determine whether any person is emitting any noise that is in excess of the standards as follows:
 - a. No person in a Class C noise zone shall emit noise exceeding the levels stated herein and applicable to adjacent noise zones.
 1. Class C (industrial) emitter to receptor:
 - i. C: Seventy (70) dBA.
 - ii. B: Sixty-six (66) dBA.
 - iii. A/day: Sixty-one (61) dBA.
 - iv. A/night: Fifty-one (51) dBA.

2. Levels emitted in excess of the values listed in subsection (f)(1)a of this section shall be considered excessive noise.
- b. No person in a Class B noise zone shall emit noise exceeding the levels stated herein and applicable to adjacent noise zones:
 1. Class B (commercial) emitter to receptor:
 - i. C: Sixty-two (62) dBA.
 - ii. B: Sixty-two (62) dBA.
 - iii. A/day: Fifty-five (55) dBA.
 - iv. A/night: Forty-five (45) dBA.
 2. Levels emitted in excess of the values listed in subsection (f)(2)a of this section shall be considered excessive noise.
- c. No person in a Class A noise zone shall emit noise exceeding the levels stated herein and applicable to adjacent noise zones:
 1. Class A (residential) emitter to receptor:
 - i. C: Sixty-two (62) dBA.
 - ii. B: Fifty-five (55) dBA.
 - iii. A/day: Fifty-five (55) dBA.
 - iv. A/night: Forty-five (45) dBA.
 2. Levels emitted in excess of the values listed in subsection (f)(3)a of this section shall
- (3) No person shall cause or allow the emission of impulse noise in excess of eighty (80) decibels peak sound pressure level during the nighttime to any residential noise zone. No person shall cause or allow the emission of impulse noise in excess of one hundred (100) decibels peak sound pressure level at any time in any zone.
- (4) Measurements shall be taken at a point that is located about one (1) foot beyond the boundary of the emitter's premises within the receptor's premises. The emitter's premises include his/her individual unit of land or ground of contiguous parcels under the same ownership as indicated by public land records.
- (g) *Exclusions.* Maximum noise levels established pursuant to subsection (f) of this section shall not apply to any noise emitted by or related to:
 - (1) Natural phenomenon.
 - (2) Any bell or chime from any building clock, school or church.
 - (3) Any siren, whistle or bell lawfully used by emergency vehicles or any other alarm system used in an emergency situation; provided, however, that burglar alarms not terminating within thirty (30) minutes after being activated shall be unlawful and shall not be excluded hereunder.
 - (4) Warning devices required by OSHA or other state or federal safety regulations.
 - (5) Noise created as a result of an emergency including homeowner generators conforming to manufacturer and government use and sound standards.
 - (6) Noise generated by engine-powered or motor-driven lawn care or maintenance equipment between the hours of 7:00 a.m. and 9:00 p.m. provided that noise discharged from exhausts is adequately muffled to prevent loud and/or explosive noises therefrom.
 - (7) Recreational or celebratory activities specifically licensed or under permit from the City of Danbury, including, but not limited to, parades, sporting events, concerts, patriotic or public celebrations and fireworks displays.
 - (8) Noises created by snow removal equipment provided that such equipment is maintained in good repair so as to minimize noise and noise discharged from exhausts shall be adequately muffled to prevent loud and/or explosive noise therefrom.

- (9) Noise that originates at airports that is directly caused by aircraft flight operations specifically preempted by the Federal Aviation Administration.
- (10) Activities authorized or exempted by federal, state or local government law or regulation.

(h) *Designation of Municipal Noise Control Officer.* The Mayor may appoint and may remove a Noise Control Officer who may but does not necessarily need to be a member of the Danbury Police Department, such person being authorized to monitor and enforce the provisions of this section.

(i) *Penalties.* Any persons in violation of any of the provisions of this section shall be fined in the amount of twenty-five dollars (\$25.00) for their first violation; fifty dollars (\$50.00) for a subsequent violation occurring within one hundred twenty (120) days of their first violation; and seventy-five dollars (\$75.00) for any subsequent violation occurring within one hundred twenty (120) days of any previous violation not including their first violation occurring pursuant to this subsection. Each day such violation continues after the time for correction of the violation has been given in an order shall constitute a separate violation. Notification of violation shall be given at the time of the occurrence of the noise or shortly thereafter in the form of a written notice of violation.

(j) *Enforcement.* The Danbury Police Department, as directed by the Chief of Police, shall enforce the provisions of this section pertaining to the measurement of noise levels and the issuance of notices of violation.

(k) *Variances.* Any person living or doing business in the City of Danbury may apply to the common council for a variance from one or more of the provisions of this section.

(l) *Effect of these provisions.* All provisions of the zoning regulations of the City which are more stringent than those set forth in this

section shall remain in full force and effect and shall prevail over inconsistent provisions of this section.

(Code 1925, § 139; Code 1961, § 12-14; Ord. No. 346, 6-2-1987; Ord. No. 543, 5-2-2000; Ord. No. 655, 6-6-2006; Ord. No. 23, § 12-14, 4-5-2016)

State law reference—Authority to prohibit noise, C.G.S. § 7-148(c)(7)(F)(i).

Sec. 28-54. Neighborhood preservation of quality of life; creation of neighborhood preservation zone (NPZ).

(a) *Statement of purpose.* The purpose of this section is to regulate specified outdoor activity that has been found detrimental to the general health, well-being, safety and welfare of the residents and communities of the City of Danbury, including the preservation of property values, reducing or eliminating offensive noise and securing order in City communities. The attendant increase in vehicular traffic as well as excessive on-street and off-street parking and lighting associated with such conditions has also been found to constitute both private and public nuisance activity. For such purposes, the provisions of the Neighborhood Protection Preservation Zone (NPPZ) are hereby established to protect the communities of Danbury.

(b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Nuisance means conduct associated with an outdoor group activity which in the sole determination of the City causes a disturbance or unreasonably interferes with another person's use and/or interest in the use of their property, including but not limited to the creation of:

- (1) Excessive noise;
- (2) Increase in vehicular traffic;
- (3) Nonpermitted on and off street parking;
- (4) Excessive lighting; and/or
- (5) Housing or other blight.

Outdoor group activity means any singular or repetitive sporting or any other group or impact activity engaged in outdoors on private residential property, by ten (10) or more persons in a residential zone or affecting a residential zone as defined pursuant to the City zoning regulations.

UNIT means the municipal Unified Neighborhood Intervention Team, duly organized and constituted.

(c) *Trigger and enforcement.*

- (1) Upon written or other properly verified complaint by any person either to the Danbury Police Department or filed with City UNIT offices, or by two or more owners of properties within five hundred (500) feet of the property containing or maintaining an outdoor group activity, alleging that an owner or tenant of private property has created a nuisance or disturbance by engaging in or permitting such activity on his or her property, the UNIT shall be authorized to issue warnings or citations pursuant to section 2-2 and C.G.S. § 7-148 et seq. and the Danbury Police Department, in addition to citations, shall be authorized to issue summons and fines as set forth in said Connecticut General Statutes.
- (2) Citations shall not be the exclusive remedy for any enforcement pursuant to this section.

(d) *Prohibited acts.* No property owner or tenant in any residential zone shall, at any time, in such residential zone or affecting any residential zone allow, authorize or maintain outdoor group activities that constitute a nuisance or disturbance.

(e) *Penalties.*

- (1) In addition to such other penalties as may be authorized by other law, the UNIT, the Danbury Police Department or other authorized enforcement agent is authorized to issue warnings, citations or fines to the maximum of two hundred fifty dollars (\$250.00) or such maximum as may be authorized by law to those violating the provisions of this section.

- (2) Each violation of this section shall constitute a separate offense, and each day of violation constitutes a separate offense.

(f) *Costs of enforcement; lien.*

- (1) In addition to such penalties as herein authorized and in recognition of the taxpayers' expenditures necessitated by the enforcement of these provisions, the party or parties found to have violated these provisions shall be liable for all costs and expenses of municipal officials required in such enforcement. Assessment of such costs or expenses may be appealed to a duly designated citation hearing officer pursuant to section 2-3.
- (2) Any unpaid penalty or assessment of cost or expense may result in a lien upon the property of the violator and may be enforced in any manner authorized by law.

(g) *Interpretation.* No provision of this section shall be interpreted or construed to prohibit speech, expression or conduct protected by the laws of the State of Connecticut or the laws of the United States.

(Ord. No. 22, § 12-14.1, 4-5-2016)

Sec. 28-55. Obstruction to public travel.

No person without a permit from the City Engineer shall place, keep or knowingly suffer to remain, any box, bale, case, barrel, bundle, package, goods, ware, merchandise, cart, carriage, vehicle, lumber, refuse matter, rubbish, earth or stones, or any article, material or thing of any kind or description upon highway, street, sidewalk or public place in said City, so as to obstruct, interfere, or cause inconvenience to public travel. (Code 1925, § 127; Code 1961, § 12-22; Ord. No. 2007-372, §§ A, B, 5-1-2007)

Sec. 28-56. Abandoned shopping carts.

(a) *Declared nuisance; imposition of penalty.* It is hereby found and declared that the abandonment of shopping carts within the City of Danbury is a nuisance, unsightly, and often represents a hazard to the public through the obstruction of

travel on streets, sidewalks and other public property within the City. It is further found and declared that the imposition of penalties for the removal of shopping carts from business establishments within the City and the imposition of storage and retrieval charges to cover the costs associated with collection of abandoned shopping carts by the City serves the best interests of public safety, welfare and convenience.

(b) *Posting of signs.* Within sixty (60) days of the effective date hereof, all business establishments within the City providing shopping carts for the use of their patrons shall post, in a conspicuous place, a sign or notice stating that the removal of shopping carts from the premises constitutes a violation of this section, and further stating that violators will be subject to a fifteen-dollar (\$15.00) fine.

(c) *Removal from premises prohibited; defense to prosecution.* It shall be unlawful for any person, other than the owner thereof, to remove a shopping cart from the premises of any business establishment within the City. It shall be an affirmative defense to prosecution under this subsection that the business establishment involved has failed to comply with the provisions of subsection (b) in this section.

(d) *Presumption of abandonment; transportation and storage; charges for storage.* For purposes of this section, shopping carts found on any street, sidewalk or other public property and not under the direct control of any person shall be presumed to be abandoned. All such shopping carts shall be transported by the Department of Public Works to a suitable place for storage. The owners thereof may retrieve said carts upon payment of all storage and retrieval charges for which they are liable. A storage charge of two dollars (\$2.00) per week, but not exceeding fifty dollars (\$50.00) shall be imposed together with a retrieval charge of ten dollars (\$10.00) for the return of each such shopping cart. If the owners thereof fail to retrieve said carts for a period of six (6) months a notice of sale shall be published in a newspaper having a general circulation in the City of Danbury. If the owners do not retrieve said carts within one (1) month following said notice, all such carts may be sold at

public auction under the supervision of the Sheriff or Deputy Sheriff of Fairfield County and the proceeds of the sale shall be deposited with the Treasurer of the City of Danbury.

(e) *Penalty for violation.* Any person failing to comply with the provisions of subsection (b) of this section shall be subject to a fine of fifty dollars (\$50.00). Any person failing to comply with the provision of subsection (c) of this section shall be subject to a fine of fifteen dollars (\$15.00).

(Code 1961, § 12-33; Ord. No. 295, 3-1-1983; Ord. No. 318, 6-4-1985)

Secs. 28-57—28-83. Reserved.

ARTICLE IV. OFFENSES INVOLVING UNDERAGE PERSONS

Sec. 28-84. Possession of alcohol by minors.

(a) *Definitions.* As used in this section, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended.

Adult has the same meaning as the term defined in C.G.S. § 1-1d.

Alcoholic liquor has the same meaning as the term defined in C.G.S. § 30-1(3).

Head of household means any person who maintains as said person's home a household, either through an ownership interest, as a tenant or as a licensee, which constitutes the principal place of abode of said person.

Host means to organize a gathering of three (3) or more persons, or to allow the premises under one's control to be used with one's knowledge for a gathering of three (3) or more persons, for personal, social or business interaction.

Immediate family member means an individual related by affinity and consanguinity within the first two (2) degrees of kinship as determined by common law.

Minor has the same meaning as the term defined C.G.S. § 30-1(12).

(b) *Findings and intent.* The unregulated possession of alcoholic liquor by minors can be detrimental to the general health, safety and welfare of the residents of the City. Consumption of alcohol by minors unsupervised by parental authority may also create a health and safety risk to minors and a public nuisance. The City seeks to protect, preserve and promote the quality of life of its residents by regulating the possession of alcohol by minors.

(c) *Prohibited acts.*

- (1) No minor shall possess any container of alcoholic liquor within the City, whether opened or unopened, whether on public or private property, unless such minor:
 - a. Is accompanied by or in the presence of his parent, guardian or spouse who has attained the age of twenty-one (21) years;
 - b. Is accompanied by or in the presence of an immediate family member who has attained the age of twenty-one (21) years and who has received express authorization from the parent, guardian or spouse of said minor to permit said person to possess said alcoholic liquor;
 - c. Has express authorization from said person's parent, guardian or spouse to permit said person to possess said alcoholic liquor within said person's residence; or
 - d. Is an adult and is also a head of household.
- (2) No person shall host an event or gathering at which the host knowingly allows alcoholic liquor to be consumed by, or dispensed to, any minor unless said minor is:
 - a. Accompanied by or in the presence of his parent, guardian or spouse who has attained the age of twenty-one (21) years; or
 - b. Accompanied by or in the presence of an immediate family member who has attained the age of twenty-one (21) and who has received express

authorization from the parent, guardian or spouse of the minor to permit said person to possess said alcoholic liquor.

This prohibition shall apply to any event or gathering within the City conducted on private property.

(d) *Exceptions.* Notwithstanding subsection (c) of this section nothing herein shall prohibit:

- (1) The serving or selling of alcoholic liquor by a minor if otherwise permitted by the Connecticut General Statutes; or
- (2) The free exercise of religious worship or ceremony, as protected by the First Amendment to the Constitution of the United States and Article Seventh of the Constitution of the State of Connecticut, which may include the possession or consumption of alcohol by a minor.

(e) *Enforcement.* The Chief of Police or any member of the Danbury Police Department is charged with enforcing the provisions of this section.

(f) *Violations.*

- (1) Any person violating any provisions of this section shall be subject to a fine of ninety dollars (\$90.00) for each such offense. Each violation of this section shall constitute a separate offense.
- (2) In the case of violations of subsection (c)(2) of this section, the presence of each minor at such event or gathering shall constitute a separate offense.

(g) *Alcohol abuse education funding.* All funds collected by the City pursuant to any violation of this section shall be earmarked specifically to funding alcohol and substance abuse education programs conducted by the Police Department within the department's current youth education programming.

(Code 1961, § 12-1.2; Ord. No. 633, 5-3-2005)

State law reference—Offenses involving underage persons and alcohol, C.G.S. § 30-88a et seq.

Sec. 28-85. Child sex offender in child safety zone.**(a) Legislative findings; purpose.**

- (1) The Connecticut Legislature has found that persons convicted or found not guilty by means of mental disease or defect of certain criminal offenses against minors and sexually violent offenses, present a continuing danger to the health and safety of the public, sufficient to require that such persons register with the Connecticut Commissioner of Public Safety.
- (2) As of November 2006, the Connecticut Department of Public Safety's Sex Offender Registry ("Sex Offender Registry") shows that approximately forty (40) people living in Danbury are registered sex offenders.
- (3) The City Council finds from the evidence that the recidivism rate for released sex offenders is alarmingly high, especially for those who commit their crimes on children.
- (4) The City Council recognizes that the City of Danbury has a compelling interest in protecting children from the threat of sexual abuse.
- (5) The City's public parks, schools, playgrounds, sports and recreation facilities are provided for the use, education, training, entertainment and enjoyment of children and their families, and such venues are intended to be and should be free of the dangers presented to children's health, safety and welfare by persons required to register on the Sex Offender Registry.
- (6) The City Council finds that the public health, safety and welfare of the community, particularly children, will be best served by prohibiting persons required to register with the Sex Offender Registry from entering into a public park, school, playground, recreation center, bathing beach, swimming pool or wading pool, sports field or sports facility.

(b) Prohibition regarding sex offender in child safety zone.

- (1) **Definitions.** For the purpose of this section the following terms, phrases, words and derivations shall have the meaning given herein.

Child safety zone.

1. The term "child safety zone" means a park, school, playground, recreation center, bathing beach, swimming pool or wading pool, gymnasium, sports field, or sports facility, which is:
 - (i) Under the ownership of the City of Danbury or of any department, agency, or authority of the City of Danbury, including but not limited to the Board of Education of the City of Danbury; or
 - (ii) Leased by the City of Danbury to another person for the purpose of operating a park, school, playground, recreation center, bathing beach, swimming pool or wading pool, gymnasium, sports field, or sports facility.
2. The term "child safety zone" includes any and all buildings, land, parking area or other improvements located on the same parcel on which each of the aforementioned facilities is located, but does not include any public street, and also does not include any public sidewalk which is located on the outside boundary of a child safety zone. The Director of Permit Operations or his designee shall publish a list and the locations of the child safety zones on the City's website (www.ci.danbury.ct.us). Website users may

access such list and locations by clicking on the website's homepage link entitled "eDanbury," and then clicking on "Child Protection Zones." The Director of Permit Operations or his designee shall update such website list and locations whenever a child safety zone parcel is acquired, transferred, or modified in area by the City.

Not guilty by reason of mental disease or defect means that which is defined in C.G.S. § 54-250(6).

Sex offender means:

1. A person who has been convicted or found not guilty by reason of mental disease or defect of:
 - (i) A criminal offense against a victim who is a minor;
 - (ii) A nonviolent sexual offense;
 - (iii) A sexually violent offense;
 - (iv) Any felony that the court finds was committed for a sexual purpose, as those terms are defined in C.G.S. § 54-250(2), (5), (11) and (12), and who is required to register with the Commissioner of Public Safety pursuant to C.G.S. § 54-251, 54-252, 54-253 or 54-254; or
2. A person who has been convicted or found not guilty by reason of mental disease or defect in any other state, in a federal or military court or in any foreign jurisdiction of any crime the essential elements of which are substantially the same as any of the crimes specified in C.G.S. § 54-250(2), (5) and (11), and which requires registration as a sexual offender in such other state or in the

federal or military system, and who resides in this state on and after October 1, 1998.

(2) *Prohibition.* It shall be unlawful for a sex offender to be present in any child safety zone.

(3) *Exceptions.* The provisions of this section shall not apply:

- a. To any person whose name has been removed from the Connecticut Department of Public Safety's Sex Offender Registry or from the registry of any other state or in the federal or military system by act of a court or by expiration of the term such person is required to remain on such registry.
- b. To any person entering into a facility in a child safety zone for the sole purpose of voting in any municipal, state or federal election or referendum, provided that the person leaves the facility immediately after voting.
- c. To the extent that the conduct prohibited by this section is in conflict with any sentence or order of probation or parole imposed upon a sex offender.

(c) *Notice.* The Chief of Police or his designee shall make reasonable efforts to provide prompt, actual written notice of the enactment of this section (which notice shall contain a copy of the ordinance) to all persons who are listed on the Sex Offender Registry as of the effective date of this section, as well as those persons who are added to the Sex Offender Registry thereafter, which persons' addresses (as shown on the Sex Offender Registry) are within the City of Danbury. Such notice requirement may be satisfied by the mailing of such notice by registered or certified mail, return receipt requested to the last known address of such person as listed on the Sex Offender Registry or as otherwise known to the Chief of Police. The failure of any person to receive such actual written notice shall not be a defense to a violation of this section.

(d) *Enforcement procedures.*

- (1) If a Police Officer reasonably believes that a sex offender is in a child safety zone in violation of this section, the officer shall require the suspected sex offender to provide his name, address, and telephone number. If it is established that the individual is a sex offender, then the Officer shall issue a written warning that he is in violation of this section and require the person to leave the child safety zone. If the person refuses to leave or is later found to be in the same or any other child safety zone, the penalties set forth in subsection (e) of this section shall apply.
- (2) If a Police Officer acquires information sufficient to support a reasonable belief that a particular sex offender has been in a child safety zone, the officer shall issue a written warning to the sex offender that he is in violation of this section and that the person is prohibited from entering any child safety zone. The warning shall specify the child safety zone which the sex offender entered and the date or dates of his presence in the child safety zone, and shall be issued to the sex offender in the manner provided for notice under subsection (c) of this section. If the sex offender is later found to be present or to have been present in the same or any other child safety zone, the penalties set forth in subsection (e) of this section shall apply.
- (3) Whenever a Police Officer issues a warning or a citation pursuant to this subsection (d), of this section the officer shall mail a copy of the warning or citation by certified mail to the sex offender's parole or probation officer (if any), provided that failure of the officer to comply with subsection (c) of this section shall not be a defense to a violation of this section.

the prohibited conduct results in a conviction for a new criminal offense under any applicable state or federal law or when the prohibited conduct is the basis for the revocation of any condition of parole or probation.

(Code 1961, § 12-27; Ord. No. 659, 12-5-2006; Ord. No. 678, 7-1-2008)

(e) *Penalties.* Any person in violation of this section shall be fined in the amount of two hundred fifty dollars (\$250.00) for each violation. Fines under this section shall not apply when

Chapter 29

RESERVED



Chapter 30

PARKS AND RECREATION*

Article I. In General

Secs. 30-1—30-18. Reserved.

Article II. Department of Parks and Recreation

Sec. 30-19. Powers of the Director.

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Article III. Parks and Recreation Commission

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Sec. 30-43. Meetings; responsibilities.

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Article IV. Stanley Lasker Richter Memorial Park Authority

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Sec. 30-77. Commission of Authority—Appointment; membership; terms.

Sec. 30-78. Same—Compensation of members.

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Article V. Lake Candlewood

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Sec. 30-103. Vessels equipped with marine sanitation devices.

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Division 2. Lake Candlewood Authority

Sec. 30-135. Established.

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Article VI. Bear Mountain Reservation Recreation Areas

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Sec. 30-166. Hunting, trapping and firearms.

Sec. 30-167. Fishing regulated.

Sec. 30-168. Swimming or bathing.

Sec. 30-169. Camping.

***State law reference**—General authority relative to parks and recreation, C.G.S. §§ 7-148(c)(3), 7-148(c)(6)(A)(i), 7-130a et seq., 47-42c.

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- Sec. 30-170. Dogs.
- Sec. 30-171. Horses and motorized vehicles.
- Sec. 30-172. Operation and parking of motor vehicles regulated.
- Sec. 30-173. Fires.
- Sec. 30-174. Notices and signs.
- Sec. 30-175. Disorderly conduct, etc.
- Secs. 30-176—30-203. Reserved.

Article VII. Tarrywile Park Authority

- Sec. 30-204. Creation; powers and responsibilities.
- Sec. 30-205. Powers and responsibilities reserved for the City Council.
- Sec. 30-206. Articles of incorporation.
- Sec. 30-207. Commission of Authority.
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- Secs. 30-209—30-239. Reserved.

Article VIII. The Charles Ives Authority for the Performing Arts

- Sec. 30-240. Creation; powers and responsibilities.
- Sec. 30-241. Articles of incorporation.
- Sec. 30-242. Commission of Authority.
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Article IX. Danbury Museum and Historical Society Authority

- Sec. 30-265. Creation; powers and responsibilities.
- Sec. 30-266. Articles of incorporation.
- Sec. 30-267. Commission of museum
- Sec. 30-268. Perpetual existence.

ARTICLE I. IN GENERAL

Secs. 30-1—30-18. Reserved.

ARTICLE II. DEPARTMENT OF PARKS AND RECREATION

Sec. 30-19. Powers of the Director.

(a) The Director of Recreation shall have all the powers set forth in section 6-12 of the Danbury Municipal Charter, together with those powers established in this section.

(b) The Director of Parks and Recreation shall have the right to call upon any other department of the City government for assistance in performing his duties; and it shall be the duty of such other departments to comply with a proper request of the said Director. Any questions as to what shall constitute a proper request for assistance shall be decided by the Mayor.

(c) The Director of Parks and Recreation shall have the authority to operate, at reasonable charges, such facilities for amusement, entertainment, refreshment or transportation of the public as are suitable for park and recreation purposes and may let privileges therefor.

(d) The Director, or his duly authorized representative, may plant, set-up or place and protect and care for flowers, vines, shrubs, and trees to adorn and improve public squares, grounds, boulevards, streets, avenues or spaces within the City.

(Code 1961, § 13A-4; Ord. No. 58, § 196.4, 1-4-1966)

Secs. 30-20—30-41. Reserved.

ARTICLE III. PARKS AND RECREATION COMMISSION

Sec. 30-42. Created; members; terms; vacancies.

There shall be a Parks and Recreation Commission consisting of nine (9) members appointed by the Mayor subject to approval by the City Council. Members shall be appointed for three-

year terms and until their successors have been appointed and approved. One (1) member of the Danbury Parks and Recreation Commission so appointed shall be chosen from among the members of the Danbury Conservation Commission. All members of the Parks and Recreation Commission shall be electors and residents of the City of Danbury and the athletic Director of the Danbury Public Schools shall sit as an ex officio member thereof. Vacancies occurring otherwise than by expiration of term shall be filled by the Mayor with the approval of the City Council for the unexpired portion of the term. (Code 1961, § 2-55(a); Ord. No. 272, 9-1-1981; Ord. No. 355, 10-6-1987)

Sec. 30-43. Meetings; responsibilities.

The Parks and Recreation Commission shall hold regular meetings once a month with the Director of the Department of Parks and Recreation and shall act in an advisory capacity only. The Parks and Recreation Commission is responsible for, but not limited to, recommending a recreational plan and amendments thereto to the Planning Commission for adoption, pursuant to the Planning Commission's authority under C.G.S. § 8-23.

(Code 1961, § 2-55(b); Ord. No. 272, 9-1-1981; Ord. No. 355, 10-6-1987)

Secs. 30-44—30-74. Reserved.

ARTICLE IV. STANLEY LASKER RICHTER MEMORIAL PARK AUTHORITY*

Sec. 30-75. Created; powers.

(a) *Created.* The City Council of the City of Danbury (hereinafter referred to as "City") a municipality of the State of Connecticut, hereby creates a public body politic and corporate under the name and style of the Stanley Lasker Richter Memorial Park Authority (hereinafter referred to as "Authority").

*State law reference—Public recreational facilities authorities, C.G.S. § 7-130a et seq.

(b) *Powers.* Such Authority shall have the following powers:

- (1) To administer, operate and maintain said Stanley Lasker Richter Memorial Park and any adjacent land owned by the City which is made part of the park;
- (2) To contract and be contracted with in order to administer, operate and maintain the said park;
- (3) To make, amend and repeal bylaws, rules and regulations not inconsistent with general law to carry out its purposes;
- (4) To construct and reconstruct park facilities as authorized by law only within said park;
- (5) To fix and revise from time to time and to charge and collect fees, rents and other charges for the use of any project or facilities thereof on behalf of the City and in an amount sufficient to pay operating and maintenance expenses, the annual principal of and interest on bonds heretofore or hereafter issued by the City to finance the construction and reconstruction of park facilities within said park and the principal of and interest on any obligations the Authority may incur;
- (6) To pay over the net receipts semi-annually in January and July of each year (gross receipts less operation and maintenance expenses, a reserve for capital improvements not exceeding twenty-five (25) percent of gross receipts for the fiscal year, and authority debt service from the operation of the park), to the Treasurer of the City to be placed in the general fund of the City;
- (7) To make a periodic accounting of the financial transactions of the Authority. The Treasurer elected by the members of the Commission shall be bonded as determined by the Authority;
- (8) To issue its bonds, notes or other obligations as authorized by C.G.S. §§ 7-130a through 7-130w, to be paid solely from the revenues of the Authority;

- (9) To accept a loan or grant from the City or any other person, government or agency thereof, for the purposes of the Authority. (Code 1961, § 13A-11; Ord. No 134, § 1, 8-6-1968; Ord. No. 151, § 1, 11-10-1970)

State law reference—Recreation authority commission, C.G.S. § 7-130c.

Sec. 30-76. Articles of incorporation.

The articles of incorporation of the Authority, as required by said act, are as follows:

- (1) The name of the Authority and the address of its principal office shall be:
 - a. Name: "Stanley Lasker Richter Memorial Park Authority."
 - b. Address: City Hall, Danbury, Connecticut.
- (2) The Authority is created under by C.G.S. §§ 7-130a through 7-130w.
- (3) The participating political subdivision is the City of Danbury, Connecticut.
- (4) The Authority is created for the sole purpose of administering the Stanley Lasker Richter Memorial Park with the power granted to such Authority by the enacting ordinance of the City of Danbury. (Code 1961, § 13A-12; Ord. No. 134, § 3, 8-6-1968)

Sec. 30-77. Commission of Authority—Appointment; membership; terms.

(a) The Mayor with the approval of a majority of the City Council shall select and appoint the members of the Commission of said Authority, which shall consist of nine (9) members. Among the members so appointed shall be one (1) member of the Stanley L. Richter Association for the Arts, Inc. One (1) of the appointees selected by the Mayor shall be a person nominated by Irene Myers Richter, so long as she shall live, or upon her death, nominated by Ann Myers Williams, now or formerly of Westport, Connecticut. All appointments will be made for a term of three (3) years.

(b) The Mayor with the approval of a majority of the City Council shall select and appoint two (2) alternate members of the Commission. Said alternates shall serve for a term of three (3) years.

(Code 1961, § 13A-13; Ord. No. 134, § 2, 8-6-1968; Ord. No. 294, 3-1-1983; Ord. No. 326, 4-1-1986; Ord. No. 625, 7-7-2004)

Sec. 30-78. Same—Compensation of members.

No members of such Authority may receive any compensation for their services but they shall be entitled to reimbursement for the amount of actual expenses incurred by them in the performance of their duties.

(Code 1961, § 13A-14; Ord. No. 134, § 4, 8-6-1968)

Sec. 30-79. Perpetual existence.

The Authority shall remain in existence perpetually unless sooner terminated by the City.

(Code 1961, § 13A-15; Ord. No. 134, § 5, 8-6-1968)

Secs. 30-80—30-101. Reserved.

ARTICLE V. LAKE CANDLEWOOD

DIVISION 1. GENERALLY

Sec. 30-102. Littering prohibited; penalty.

(a) No person shall deposit, dump, throw, abandon, discard, discharge, place or cause to be deposited, dumped, thrown, abandoned, discarded, discharged or placed upon or in the waters of Lake Candlewood, or any of its tributaries, or upon the frozen surface thereof, within the City of Danbury, whether from a vessel or otherwise, any litter, including sewage, garbage, rubbish, refuse, trash, debris, abandoned properties, waste material, human excrements or any nauseous or offensive matter.

(b) Any person who violates any provision of subsection (a) of this section, shall be fined ten dollars (\$10.00) for the first such offense and

shall be subject to the penalties provided for pursuant to the provisions of section 1-8 for each subsequent offense.

(Code 1961, § 13A-21; Ord. No. 233, §§ 3, 5, 8-1-1978)

State law reference—Littering, C.G.S. § 22a-250.

Sec. 30-103. Vessels equipped with marine sanitation devices.

(a) *Regulated.* No person shall launch (or knowingly permit the launching), moor, dock or operate, upon the waters of Lake Candlewood within the limits of the City of Danbury, any vessel equipped with a marine sanitation device (MSD), unless:

- (1) Such marine sanitation device is designed and operated to prevent the overboard discharge of sewage, treated or untreated, or of any waste derived from sewage; or
- (2) Its marine sanitation device, not meeting the requirements of subsection (a) of this section, shall, prior to launching, have been securely sealed and made visibly inoperative so as to prevent its use.

(b) *Inspection.* All vessels located upon the waters of Lake Candlewood within the limits of the City of Danbury shall be subject to inspection by any duly elected or appointed City or state law enforcement officer for the purpose of determining whether such vessels are in violation of the provisions of this section.

(c) *Penalty for violation.* Any person who violates any provision of subsection (a) of this section, shall be subject to a fine of twenty-five dollars (\$25.00) for each offense.

(Code 1961, § 13A-22; Ord. No. 233, §§ 1, 2, 4, 8-1-1978)

Secs. 30-104—30-134. Reserved.

DIVISION 2. LAKE CANDLEWOOD AUTHORITY*

Sec. 30-135. Established.

The City of Danbury acting in concert with any other towns having a portion of Lake Candle-

***State law reference**—Lake authorities, C.G.S. § 7-151a.

wood within their territorial limits hereby establishes a lake authority for said lake to be known as "The Lake Candlewood Lake Authority."

(Code 1961, § 13A-16; Ord. No. 165, § 1, 10-5-1971)

Sec. 30-136. Composition.

Said Authority shall be composed of three (3) delegates from each member town for terms of three (3) years.

(Code 1961, § 13A-17; Ord. No. 165, § 2, 10-5-1971)

Sec. 30-137. Delegates from Danbury; appointment, compensation.

The delegates from Danbury, each of whom must be resident electors, shall be appointed by the Mayor and confirmed by the City Council in accordance with the City charter. Delegates shall serve without compensation; provided, however, that delegates may receive reimbursement for administrative expenses incurred in the performance of their duties upon approval by a majority vote of the Candlewood Lake Authority. (Code 1961, § 13A-18; Ord. No. 165, § 3, 10-5-1971; Ord. No. 309, 6-5-1984)

Sec. 30-138. Powers and other general provisions.

(a) *Powers under General Statutes.* The Candlewood Lake Authority shall possess and may exercise all powers granted by the Connecticut General Statutes for lake authorities, including, without limitation, powers relating to the enforcement of boating laws on said lake and such other powers as from time to time may be granted to said Authority by the legislative bodies of all member towns and by the General Statutes.

(b) *Establishment of water quality management programs.* The Candlewood Lake Authority shall establish a water quality management program whose objective shall be to study the improvement and maintenance of the water quality of Lake Candlewood and to make recommendations for action to its member municipalities.

(c) *Expenses.* Each municipality shall pay to the Candlewood Lake Authority (hereinafter the CLA) its respective share of the expenses of the CLA. Shares shall be established by an equal division of the budget among the member municipalities. The annual budget of the CLA shall be established by first averaging the appropriations of the three (3) member municipalities whose CLA appropriations are closest to the municipal share proposed by the CLA to its member municipalities, and then by multiplying said appropriation by the number of member municipalities.

(d) *When foregoing amendments effective.* The foregoing amendments shall not become effective until adopted by all CLA member municipalities.

(Code 1961, § 13A-19; Ord. No. 165, § 4, 10-5-1971; Ord. No. 309, 6-5-1984)

Secs. 30-139—30-161. Reserved.

ARTICLE VI. BEAR MOUNTAIN RESERVATION RECREATION AREAS

Sec. 30-162. Use subject to restrictions.

The use of the "Bear Mountain Reservation" recreation area in the City of Danbury shall be subject to the restrictions in this article.

(Code 1961, § 13A-30; Ord. No. 214, 5-4-1976)

Sec. 30-163. Eviction and penalty for violations.

Violation of any of the provisions of this article or illegal littering or dumping is sufficient cause for eviction and any violator of this article shall be fined not less than fifty dollars (\$50.00) for each offense.

(Code 1961, § 13A-45; Ord. No. 214, § 15, 5-4-1976)

Sec. 30-164. Hours of use.

The reservation shall be open to the general public daily from one-half (½) hour after sunup until one-half (½) hour before sunset. Facilities and/or portions of the reservation may be closed

when it appears that the capacity of an area has been filled or that use of the same would endanger public safety.

(Code 1961, § 13A-31; Ord. No. 214, § 1, 5-4-1976)

Sec. 30-165. Injury to geological formations, plant and animal life.

No person shall deface, remove, destroy or otherwise injure any geological formations, plant or animal life.

(Code 1961, § 13A-32; Ord. No. 214, § 2, 5-4-1976)

Sec. 30-166. Hunting, trapping and firearms.

Hunting, trapping or carrying of firearms is prohibited.

(Code 1961, § 13A-33; Ord. No. 214, § 3, 5-4-1976)

Sec. 30-167. Fishing regulated.

Fishing shall be permitted only in those areas so posted. Fishermen may, in areas so designated, fish before and after the reservation hours specified in section 30-164. Further, fishermen must conform to regulations established by the Commissioner of Environmental Protection.

(Code 1961, § 13A-34; Ord. No. 214, § 4, 5-4-1976)

Sec. 30-168. Swimming or bathing.

Swimming or bathing is prohibited except at such times and in such places as may be so designated and posted.

(Code 1961, § 13A-35; Ord. No. 214, § 5, 5-4-1976)

Sec. 30-169. Camping.

Camping on the reservation is not permitted except upon issuance of a permit therefor from the Parks and Recreation Department as authorized in accordance with guidelines prepared by the Director of Parks and Recreation in consultation with the Parks and Recreation Commission and the Danbury Conservation Commission and approved by the City Council. Except in unusual circumstances and upon the prior

approval of the Mayor, permits shall be limited to no more than five (5) days each. Permits shall be limited to only those organizations having as a primary purpose the conservation, promotion and protection of natural or historical resources. Such groups shall include, without limitation, the Boy Scouts of America and the Girl Scouts of America.

(Code 1961, § 13A-36; Ord. No. 214, § 6, 5-4-1976; Ord. No. 344, 4-7-1987)

Sec. 30-170. Dogs.

Dogs are permitted on the reservation provided they are under control of their owners and/or keepers at all times.

(Code 1961, § 13A-37; Ord. No. 214, § 7, 5-4-1976)

Sec. 30-171. Horses and motorized vehicles.

Horses and motorized vehicles are prohibited except on such trails as may be so posted. No other animals are permitted on the reservation.

(Code 1961, § 13A-38; Ord. No. 214, § 8, 5-4-1976)

Sec. 30-172. Operation and parking of motor vehicles regulated.

Operation and parking of motor vehicles is prohibited except in designated parking areas and driveways.

(Code 1961, § 13A-39; Ord. No. 214, § 9, 5-4-1976)

Sec. 30-173. Fires.

Fires are prohibited throughout the reservation except upon the issuance of a permit therefor from the Parks and Recreation Department as authorized in accordance with guidelines prepared by the Director of Parks and Recreation in consultation with the Parks and Recreation Commission and the Danbury Conservation Commission and approved by the City Council.

(Code 1961, § 13A-40; Ord. No. 214, § 10, 5-4-1976; Ord. No. 344, 4-7-1987)

Sec. 30-174. Notices and signs.

No person shall erect or post any notice or sign unless duly authorized.

(Code 1961, § 13A-41; Ord. No. 214, § 11, 5-4-1976)

Sec. 30-175. Disorderly conduct, etc.

Disorderly conduct, intoxication and obscene or indecent behavior is prohibited, and all forms of rough play or activity creating hazards to human safety are prohibited.

(Code 1961, § 13A-44; Ord. No. 214, § 14, 5-4-1976)

Secs. 30-176—30-203. Reserved.

**ARTICLE VII. TARRYWILE PARK
AUTHORITY***

Sec. 30-204. Creation; powers and responsibilities.

(a) *Creation.* The City Council of the City of Danbury (hereinafter referred to as "City"), a municipality of the State of Connecticut, hereby creates a public body politic and corporate under the name and style of the Tarrywile Park Authority (hereinafter referred to as "Authority"). Tarrywile Park shall extend to all lands, and additions thereto, of the former C.D. Parks property, except for lands subsequently deleted by City Council through sale, lease or other form of conveyance.

(b) *Powers and responsibilities.* Such Authority shall have the following powers and responsibilities:

- (1) To administer, operate and maintain said Tarrywile Park, including all structures and land and any adjacent property owned by the City which is made part of the park;
- (2) To contract and be contracted with in order to administer, operate and maintain said park;

- (3) To make, amend and repeal bylaws, rules, and regulations not inconsistent with general law to carry out its purposes;
- (4) To use and develop park facilities as authorized by law only within said park in accordance with a duly approved master plan, as amended;
- (5) To fix and revise from time to time and to charge and collect fees, rents and other charges for the use of any project or facilities thereof on behalf of the City and in an amount sufficient to pay operating and maintenance expenses and pay the annual principal of and interest on bonds heretofore or hereafter issued by the City to finance the construction and reconstruction of park facilities within said park and the principal of and interest on any obligations the Authority may incur;
- (6) To pay over the net receipts annually in July of each year (gross receipts less operation and maintenance expenses, a reserve for capital improvements not exceeding twenty-five (25) percent of gross receipts for the fiscal year, and Authority Debt Service from the operation of the park) to the Treasurer of the City to be placed in the general fund of the City;
- (7) To make an annual audit, consistent with general law, of the financial transactions of the Authority. The Treasurer elected by the members of the Commission shall be bonded in an amount determined by the Authority;
- (8) To issue its bonds, notes or other obligations as authorized by C.G.S. §§ 7-130a through 7-130w to be paid solely from the revenues of the Authority;
- (9) To accept loans or grants from the City or any other person, government or agency thereof, for the purposes of the Authority; and
- (10) To appoint or dismiss an executive Director and to adopt an annual budget for the administration of the park under the

*State law reference—Public recreational facilities authorities, C.G.S. § 7-130a et seq.

overall direction of the Authority, the fiscal year of said budget to coincide with that of the City of Danbury.

(Code 1961, § 13A-50; Ord. No. 374, 3-7-1989)

Sec. 30-205. Powers and responsibilities reserved for the City Council.

The City Council shall retain the following powers and responsibilities for the administration of Tarrywile Park:

- (1) Upon recommendation of the Authority, final approval for:
 - a. The issuance of all bonds, notes, or other obligations by the Authority; and
 - b. The acquisition, purchase, sale, lease, or other conveyance of lands and property within or to be added to Tarrywile Park, and all conditions attached thereto.
- (2) Approval by majority vote of a master plan, and amendments thereto, for the development of the park, said plan to designate the construction, demolition, extension, renovation, or substantial improvement, excluding routine maintenance, of all structures, lands, lakes, ponds, and watercourses, conservation areas, park and recreational facilities, public utilities, roads and walkways, and other public facilities. All improvements to structures shall be compatible with the historic nature and character of the property. Prior to the adoption of said plan the use of the park shall be limited to authorized public and private functions at the Mansion and to existing municipal use of the property, and improvements shall be limited to the restoration and maintenance of existing structures and features, including the provision of health and safety measures. Approval of the master plan and amendments thereto shall follow a public hearing and referral to the Planning Commission for review and report.

(Code 1961, § 13A-51; Ord. No. 374, 3-7-1989)

Sec. 30-206. Articles of incorporation.

The articles of incorporation of the Authority are as follows:

- (1) The name of the Authority and the address of its principal office shall be:
 - a. Name: Tarrywile Park Authority;
 - b. Address: City Hall, Danbury, Connecticut.
- (2) The Authority is created under C.G.S. §§ 7-130a through 7-130w.
- (3) The participating political subdivision is the City of Danbury, Connecticut.
- (4) The initial members of the Authority, their addresses, and terms of office, shall be as appointed by the City.
- (5) The Authority is created for the sole purpose of administering Tarrywile Park with the power granted to such Authority by this article.

(Code 1961, § 13A-52; Ord. No. 374, 3-7-1989)

Sec. 30-207. Commission of Authority.

(a) *Appointment; membership; terms.* The Mayor of the City, with the approval of a majority of the City Council, shall select and appoint the members of said Authority, which shall consist of nine (9) members. One (1) of said members shall be a member of the Parks and Recreation Commission. The Director of the Department of Parks and Recreation shall be an ex officio member of said Authority. There shall be a maximum of six (6) members from any one (1) political party. All appointments will be made for a term of three (3) years.

(b) *Compensation of members.* No members of such Authority may receive any compensation for their services, but they shall be entitled to reimbursement for the amount of actual expenses incurred by them in the performance of their duties.

(Code 1961, §§ 13A-53, 13A-54; Ord. No. 374, 3-7-1989)

State law reference—Public recreational facilities authorities, C.G.S. § 7-130a et seq.

Sec. 30-208. Perpetual existence.

The Authority shall remain in existence perpetually unless terminated by the City.
(Code 1961, § 13A-55; Ord. No. 374, 3-7-1989)

Secs. 30-209—30-239. Reserved.

**ARTICLE VIII. THE CHARLES IVES
AUTHORITY FOR THE PERFORMING
ARTS***

Sec. 30-240. Creation; powers and responsibilities.

(a) *Creation.* The City Council of the City of Danbury (referred to in this article as "City"), a municipality of the State of Connecticut, hereby creates a public body politic and corporate under the name and style of The Charles Ives Authority for the Performing Arts (referred to in this article as "Authority").

(b) *Powers.* Such Authority shall have the following powers and responsibilities:

- (1) In affiliation with Western Connecticut State University, to administer, operate and maintain Ives Concert Park, including all structures;
- (2) To contract and be contracted with in order to administer, operate and maintain said park consistent with facilities use and lease or license agreements entered into with Western Connecticut State University;
- (3) To make, amend and repeal bylaws, rules and regulations not inconsistent with general law to carry out its purposes;
- (4) To construct and reconstruct park facilities as authorized by law only within said park;
- (5) To fix and revise from time to time and to charge and collect fees, rents and other charges for the use of any project or facilities thereof on behalf of the Authority and in an amount sufficient to pay

operating and maintenance expenses, the annual principal and interest on bond heretofore or hereafter issued by the Authority to finance the construction and reconstruction of park facilities within said park and the principal and interest of any obligations the Authority may incur;

- (6) To make an annual audit, consistent with general law, of the financial transactions of the Authority. The treasurer elected by the members of the commission shall be bonded in an amount determined pursuant to C.G.S. § 7-148, as amended;
 - (7) To issue its bonds, notes or other obligations as authorized by C.G.S. §§ 7-130a through 7-130w, inclusive, as amended, to be paid solely from the revenues of the Authority;
 - (8) To accept loans or grants from the City or any other person, government or agency thereof, for the purposes of the Authority; and
 - (9) To appoint or dismiss an Executive Director and to adopt an annual budget for the administration of the park under the overall direction of the Authority, the fiscal year of said budget to commence on January 1 of each year.
- (Code 1961, § 13A-56; Ord. No. 667, 5-1-2007; Ord. No. 32, § 13A-56, 5-2-2017)

Sec. 30-241. Articles of incorporation.

The articles of incorporation of the Authority are as follows:

- (1) The name of the Authority and the address of its principal office shall be: Charles Ives Authority of the Performing Arts, City Hall, Danbury, Connecticut.
- (2) The Authority is created under Connecticut General Statutes, Sections 7-130a to 7-130w, inclusive, as amended.
- (3) The participating political subdivision is the City of Danbury, Connecticut.

*State law reference—Public recreational facilities authorities, C.G.S. § 7-130a et seq.

- (4) The initial members of the Authority, their addresses, and terms of office, shall be as appointed by the City.
- (5) The Authority is created for the sole purpose of administering Ives Concert Park with the power granted to such Authority by this enacting ordinance.
(Code 1961, § 13A-57; Ord. No. 667, 5-1-2007; Ord. No. 32, § 13A-57, 5-2-2017)

Sec. 30-242. Commission of Authority.

(a) *Appointments; membership; terms.*

- (1) *Members.* The Mayor, with the approval of the majority of the City Council, shall select and appoint the members of the Authority, which shall consist of nine (9) members. Three (3) of the appointees selected by the Mayor shall be persons nominated by the President of Western Connecticut State University. Said members will possess backgrounds in either the performing arts, development or finance. The terms of three (3) of the initial members of the commission shall be one (1) year, of another three (3) initial members two (2) years, and of the last three (3) initial members, three years. Upon expiration of the term of an initial member, all appointments will be made for a term of three (3) years.
- (2) *Alternate members.* Three (3) alternate members to the Authority shall be appointed by the Mayor and approved by the City Council. The term of office of said alternates shall be for three (3) years or until their successors have been chosen and qualified.

(b) *Compensation of members.* No members of such Authority may receive any compensation for their services, but they shall be entitled to reimbursement for the amount of actual expenses incurred by them in performance of their duties.
(Code 1961, §§ 13A-58, 13A-59; Ord. No. 667, 5-1-2007; Ord. No. 32, §§ 13A-58, 13A-59, 5-2-2017)

State law reference—Recreation authority commission, C.G.S. § 7-130c.

Sec. 30-243. Perpetual existence.

The Authority shall remain in existence perpetually unless terminated by the City.
(Code 1961, § 13A-60; Ord. No. 667, 5-1-2007; Ord. No. 32, § 13A-60, 5-2-2017)

Secs. 30-244—30-264. Reserved.

ARTICLE IX. DANBURY MUSEUM AND HISTORICAL SOCIETY AUTHORITY*

Sec. 30-265. Creation; powers and responsibilities.

(a) *Creation.* The City Council of the City of Danbury (hereinafter referred to as "City"), a municipality of the State of Connecticut, hereby creates a public body politic and corporate under the name and style of the Danbury Museum and Historical Society Authority (hereinafter referred to as "Authority").

(b) *Powers.* Such Authority shall have the following powers and responsibilities:

- (1) To administer, operate and maintain museum properties, including all structures;
- (2) To contract and be contracted with in order to administer, operate and maintain said museum;
- (3) To make, amend and repeal bylaws, rules and regulations not inconsistent with general law to carry out its purposes;
- (4) To construct and reconstruct museum facilities as authorized by law;
- (5) To fix and revise from time to time and to charge and collect fees, rents and other charges for the use of any project or facilities thereof on behalf of the museum and in an amount sufficient to pay operating and maintenance expenses, the annual principal and interest on bond heretofore or hereafter issued by the Authority to finance the construction and reconstruction.

***State law reference**—Public recreational facilities authorities, C.G.S. § 7-130a et seq.

tion of museum facilities and the principal and interest of any obligations the Authority may incur;

- (6) To make an annual audit, consistent with general law, of the financial transactions of the Authority. The Treasurer elected by the members of the Commission shall be bonded in an amount determined by the Authority;
- (7) To issue its bonds, notes or other obligations as authorized by C.G.S. §§ 7-130a to 7-130w, to be paid solely from the revenues of the Authority;
- (8) To accept loans or grants from the City or any other person, government or agency thereof, for the purposes of the Authority;
- (9) To appoint or dismiss an Executive Director and to adopt an annual budget for the administration of the museum under the overall direction of the Authority, the fiscal year of said budget to commence on October 1 of each year; and
- (10) To promote, encourage, educate and involve the general public in the mission, purpose and history of the museum and Danbury.

(Code 1961, § 13A-61; Ord. No. 671, 10-22-2007)

Sec. 30-266. Articles of incorporation.

The articles of incorporation of the Authority are as follows:

- (1) The name of the Authority and the address of its principal office shall be:
 - a. Name: Danbury Museum and Historical Society Authority;
 - b. Address: City Hall, Danbury, Connecticut.
- (2) The Authority is created under C.G.S. §§ 7-130a through 7-130w.
- (3) The participating political subdivision is the City of Danbury, Connecticut.
- (4) The initial members of the Authority, their addresses, and terms of office, shall be as appointed by the City.

- (5) The Authority is created for the sole purpose of administering museum property with the power granted to such Authority by this enacting ordinance from which this article is derived.

(Code 1961, § 13A-62; Ord. No. 671, 10-22-2007)

Sec. 30-267. Commission of museum

(a) *Appointments; membership; terms.*

- (1) *Members.* The Mayor, with the approval of the majority of the City Council, shall select and appoint the members of said Authority which shall consist of nine (9) members. Said members will possess backgrounds in preservation, museums or local history. All appointments will be made for a term of three (3) years.

- (2) *Alternate members.* Three (3) alternate members to the Authority shall be appointed by the Mayor and approved by the City Council. The term of office of said alternates shall be for three (3) years or until their successors have been chosen and qualified.

(b) *Compensation of members.* No members of such Authority may receive any compensation for their services, but they shall be entitled to reimbursement for the amount of actual expenses incurred by them in performance of their duties. (Code 1961, §§ 13A-63, 13A-64; Ord. No. 671, 10-22-2007)

Sec. 30-268. Perpetual existence.

The Authority shall remain in existence perpetually unless terminated by the City.

(Code 1961, § 13A-65; Ord. No. 671, 10-22-2007)

Chapter 31

RESERVED



Chapter 32

PENSIONS AND RETIREMENT*

Article I. In General

- Sec. 32-1. Other Post Employment Benefit Trust.
Secs. 32-2—32-20. Reserved.

Article II. General Employees

- Sec. 32-21. Purpose and effective date.
Sec. 32-22. Definitions.
Sec. 32-23. Eligibility for membership.
Sec. 32-24. Participation of employees of redevelopment agency.
Sec. 32-25. Participation of employees in office of the Clerk.
Sec. 32-26. Retirement dates.
Sec. 32-27. Retirement benefits, normal form and amount, early retirement benefit.
Sec. 32-28. Optional forms of retirement benefit; beneficiaries; lump sum payment option for terminated vested members.
Sec. 32-29. Termination of employment, vesting, refund of employee contributions.
Sec. 32-30. Contributions by employee and employer.
Sec. 32-31. Limitation of rights of employees.
Sec. 32-32. Administration of the pension plan and the retirement plan.
Sec. 32-33. Amendment to, termination of, or discontinuance or suspension of employer contributions to pension plan or retirement plan.
Sec. 32-34. Provision to prevent discrimination in the pension plan.
Sec. 32-35. Funding of the pension plan, actuarial computations related thereto; funding of the retirement plan.
Sec. 32-36. Disability retirement.
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Sec. 32-38. 2009 Retirement Incentive Program.
Sec. 32-39. 2013 Retirement Incentive Program.
Sec. 32-40. Election of retirement plan by employees not covered by any collective bargaining agreement.
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Article III. Fire Department

- Sec. 32-65. Purpose and effective date.
Sec. 32-66. Fund created; assets; assessments; appropriations by the City.
Sec. 32-67. Members of the Board of Directors; duties of President, Secretary.
Sec. 32-68. Reports by the Board of Directors; funding and investments; actuarial computations.
Sec. 32-69. Personnel covered; effect of military service; definition of fractional expressions; changes in pensions; duration, applications for retirement.
Sec. 32-70. Mandatory retirement for age.
Sec. 32-71. Optional retirement.
Sec. 32-72. Retirement for disability incurred in line of duty.
Sec. 32-73. Retirement for disabilities not connected with duties.
Sec. 32-74. Examining physicians.
Sec. 32-75. Payments to widows, surviving children, dependents.
Sec. 32-76. Limitation of actions for pensions.

*State law reference—Pension plans authorized, C.G.S. § 7-450.

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- Sec. 32-77. Benefits declared tax-exempt, unassignable, not subject to process.
Sec. 32-78. Recall.
Secs. 32-79—32-99. Reserved.

Article IV. Police Department

- Sec. 32-100. Purpose.
Sec. 32-101. Funds created; assets; assessments; appropriation by the City.
Sec. 32-102. Members of the Board of Directors; duties of President, Secretary.
Sec. 32-103. Reports by the Board of Directors; funding and investment; actuarial computations.
Sec. 32-104. Personnel covered; effect of military service; definition of pay; changes in pensions; duration, applications for retirement.
Sec. 32-105. Mandatory retirement for age.
Sec. 32-106. Optional retirement.
Sec. 32-107. Retirement for disability incurred in line of duty.
Sec. 32-108. Retirement for disabilities not connected with duties.
Sec. 32-109. Examining physicians.
Sec. 32-110. Payments to surviving spouses, children, parents and other beneficiaries.
Sec. 32-111. Limitation of actions for pensions.
Sec. 32-112. Benefits declared tax-exempt, unassignable, not subject to process.

ARTICLE I. IN GENERAL**Sec. 32-1. Other Post Employment Benefit Trust.**

(a) *Authority; establishment of Other Post Employment Benefit Trust.* Pursuant to the authority granted in C.G.S. § 7-450(b), there shall be created and established for the City of Danbury the "Other Post Employment Benefit Trust" to fund certain retiree benefits pursuant to the terms of previously established plans for the benefit of certain City employment, retirees, their spouses and dependents.

(b) *Establishment of other Post Employment Benefit Board.* There shall be appointed by the Mayor of the City of Danbury, subject to the confirmation by a majority of the Danbury City Council, a board consisting of five (5), who shall constitute the Other Post Employment Benefit Board of Trustees for the Other Post Employment Benefit Trust, hereinafter referred to as the "Other Post Employment Benefit Board." The Other Post Employment Benefit Board shall consist of qualified members with a preference given for employees, retirees, and/or taxpayers of the City of Danbury. The members of said Other Post Employment Benefit Board shall receive no compensation for serving as a trustee. The City's Director of Finance shall serve as an ex officio member of the other post employment benefit board. The other five (5) members shall be appointed to serve terms of one (1) year, two (2) years, three (3) years, four (4) years and five (5) years, respectively, and thereafter their successor shall be appointed for a term of five (5) years on July 1 of each year.

(c) *Duties of the Other Post Employment Benefit Board.* The Other Post Employment Benefit Board shall perform the duties set forth in the Other Post Employment Benefit Trust Agreement, as amended from time to time, relating to the management of the assets held in the Other Post Employment Benefit Trust. The City's Director of Finance shall have the care and custody of all such funds and shall have the power, with the approval of the Other Post Employment Benefit Board, to invest such funds in securities legal for investment for trust funds.
(Code 1961, § 12-36; Ord. No. 672, 12-4-2007)

Secs. 32-2—32-20. Reserved.

ARTICLE II. GENERAL EMPLOYEES**Sec. 32-21. Purpose and effective date.**

Pursuant to Senate Bill No. 1355, Special Act No. 163 of the Senate and House of Representatives in General Assembly convened, a pension plan operated jointly with the Town of Danbury, Connecticut, is effective as of June 1, 1963 for those present and future employees who meet the requirements set forth in this article. When such employees who are members in the pension plan retire or are retired from active employment, benefits will be paid to such member from such pension plan pursuant to the terms thereof which are supplemental to any benefits provided under the federal Social Security Act.
(Code 1961, § 14-1; Ord. No. 19-1963, 12-5-1963; Ord. No. 31, § 14-1, 12-6-2016)

Sec. 32-22. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Board or Retirement Board means the entity which will direct the administration of the plans in accordance with section 32-30.

City Council means the City Council of the City of Danbury.

Compensation.

- (1) The term "compensation" means the amount paid to the employee by the employer for the services of the employee, but excluding any amounts paid on the account of the employee under this plan, any other employee trust or any employee insurance plan of the employer. Compensation of an employee absent due to service in the Armed Forces shall be computed assuming that the employee is actively at work during the period of such absence and receives compensation from the employer at the rate which was paid to the employee by the employer at

the time the employee ceased active employment to enter such service in the Armed Forces.

- (2) For all members retiring prior to January 1, 1984, average compensation shall mean the average of compensation over the period of ten (10) years prior to the earliest of termination of service, actual retirement, or normal retirement date. If the total period of service is less than ten (10) years, the total period of service prior to the earliest of termination of service, early retirement, or normal retirement date shall be used in computing average compensation.
- (3) For all members retiring after January 1, 1984, average compensation shall mean the average of compensation over the period of three (3) years of highest compensation.

Credited service.

- (1) For all members retiring prior to January 1, 1984, credited service shall mean the period of time which elapses between the first day of the month following the date upon which the employee commences full-time employment and the date upon which the employee is eligible for retirement or the date of the employee's termination, whichever comes earlier. If reemployed, credited service shall be the sum of all years of full-time employment. Credited service shall be computed on the basis of completed years and fractions thereof through the last completed full calendar month of employment. The provisions of this definition shall be retroactive to January 1, 1973.
- (2) For all members retiring after January 1, 1984, credited service shall mean the period of time which elapses between the first day of the month following the employee's date of full-time employment and the date upon which services of the employee terminate. If reemployed, credited service shall be the sum of all years of full-time employment. Credited service shall be computed on the basis of

completed years and fractions thereof through the last completed full calendar month of employment.

- (3) There shall be included in such credited service:
 - a. Any period of absence while on active service in the Armed Forces, provided the employee returns to employment within ninety (90) days after the date when the employee is first eligible for release from active service in the Armed Forces, or at the end of any period for which such ninety-day period has been extended by the employer.
 - b. Any period of time not in excess of three (3) months during any one excused absence from employment due to disability or layoff.
- (4) There shall be excluded from such elapsed period of time in computing the credited service of the employee:
 - a. Any period of time during any excused absence due to disability or layoff in excess of three (3) months during any one excused absence from employment due to disability or layoff; or
 - b. Any period of time during which the employee is on leave of absence without pay.

Employee means any person regularly employed by the employer on a full-time basis, including elected officials, but excluding police officers, firefighters and persons eligible for membership in the state teachers' retirement system; provided, however, that police officers, firefighters and persons eligible for membership in the state teachers' retirement system may be considered employees for purposes of this article by virtue of other full-time employment with the employer.

Employer means either the Town of Danbury or the City of Danbury, or both, as the context may require, or any successor thereto.

Member means an employee who has become a member of the pension plan as provided in

section 32-23 or the retirement plan in section 32-40 and whose membership has not terminated as provided in section 32-29 .

Pension or pensions means the retirement benefit payable either periodically or as a lump sum to a member in the pension plan who, at the time of such distribution or commencement of benefits, meets the retirement criteria of the pension plan, as herein provided or referenced in sections 32-21 through and including 32-39, or as such pension plan may be amended or modified from time to time, or the lump sum eligibility criteria in accordance with section 32-40, or as such criteria may be amended or modified from time to time.

Pension plan means the defined benefit retirement plan as herein provided or referenced in sections 32-21 through and including 32-39, or as such plan may be amended or modified from time to time.

Plan or plans means the pension plan and/or the retirement plan as herein provided or referenced in this article, or as each such plan may be amended or modified from time to time.

Retired member means a member who has retired from the service of the employer and is entitled thereby to a retirement benefit hereunder from the pension plan or the retirement plan, whether or not payment of such retirement benefit has actually commenced or been distributed in full.

Retirement plan means the defined contribution retirement plan as provided in this article or referenced in section 32-40, or as such plan may be amended or modified from time to time.

Retirement benefit or benefit means the monthly, or other periodic, payment or payments to be provided under the plan for a member, terminated vested member, retired member, or his or her contingent annuitant or beneficiary.

Service in the Armed Forces means:

- (1) Compulsory active service in the Armed Forces of the United States of America;
- (2) Voluntary active service in the Armed Forces of the United States of America

during a period for which applicable federal laws provide reemployment rights upon termination of such service; or

- (3) Service in the Armed Forces of the United States of America which, in the opinion of the Retirement Board, was entered upon in anticipation of compulsory active service.

Termination of employment of an employee means:

- (1) Voluntary cessation of employment with the employer by an employee;
- (2) Discharge of an employee by the employer;
- (3) Failure of an employee to return to work within ten (10) days after notice has been sent by the employer recalling him or her to work after a layoff;
- (4) Failure of an employee to return to active employment:
 - a. Upon recovery from a disability, being then able to perform his or her regular duties;
 - b. At the end of a period for which the employee has been granted a leave of absence, or any extension thereof;
 - c. Within ninety (90) days after the date when said employee is first eligible for release from active service in the Armed Forces, or at the end of any period for which such ninety-day period has been extended by the employer upon request for such extension by the employee or somebody acting on his or her behalf;
- (5) Layoff of an employee:
 - a. For a period of three (3) months in the case of an employee with less than six (6) months of credited service;
 - b. For a period of one (1) year in the case of an employee with six (6) months or more of credited service.

(Code 1961, § 14-2; Ord. No. 19-1963, 12-5-1963; Ord. No. 189, §§ 1—4, 7-3-1973; Ord. No. 312, 9-24-1984; Ord. No. 31, § 14-2, 12-6-2016)

Sec. 32-23. Eligibility for membership.

Effective June 1, 1973, and subject to the provisions of section 32-40, employees shall become members of the pension plan or shall be considered to have become members of the pension plan on the first day of the month following employment or election. For all members retiring prior to January 1, 1984, all past service with the City of Danbury or Town of Danbury on a full-time basis shall be included regardless of when service took place and regardless of whether in the service of the former city government or town government if said service was prior to normal retirement date. For all members retiring after January 1, 1984, and subject to the provisions of section 32-40, all past service with the City of Danbury or Town of Danbury on a full-time basis shall be included regardless of when service took place and regardless of whether in the service of the former city government or town government if said service was prior to a member's seventieth (70th) birthday. (Code 1961, § 14-3; Ord. No. 19-1963, 12-5-1963; Ord. No. 189, § 5, 7-3-1973; Ord. No. 312, 9-24-1984; Ord. No. 31, § 14-3, 12-6-2016)

Sec. 32-24. Participation of employees of redevelopment agency.

All employees of the redevelopment agency of the City of Danbury hired prior to July 1, 2017, who hold a position that is not included in any collective bargaining agreement, may, at the discretion of said redevelopment agency, become members of the pension plan provided that all costs incurred as a result of their membership and all contributions necessary to provide benefits under the pension plan must be paid to the City of Danbury by said redevelopment agency. (Code 1961, § 14-3.1; Ord. No. 189, § 18, 7-3-1973; Ord. No. 31, § 14-3.1, 12-6-2016)

Sec. 32-25. Participation of employees in office of the Clerk.

Members of the pension plan who are employed in the office of the Town Clerk prior to November 19, 1979, as full-time employees shall have their credited service extended to include the number

of months of continuous employment in said office immediately preceding November 19, 1979. (Code 1961, § 14-3.2; Ord. No. 312, 9-24-1984; Ord. No. 31, § 14-3.2, 12-6-2016)

Sec. 32-26. Retirement dates.

Effective June 1, 1973, the normal retirement date shall be the first of the month following a member's sixty-fifth (65th) birthday, except that in the case of elected officials it shall be the later of the first day of the month following the member's sixty-fifth (65th) birthday or the date upon which the member is no longer an employee as defined in section 32-22. A member, active or inactive, who has attained age fifty-five (55) may retire and commence benefits on the first day of any month following the member's fifty-fifth (55th) birthday subject to the provisions of section 32-27. For all members retiring prior to January 1, 1984, no pension benefits shall accrue beyond normal retirement date. For all members retiring after January 1, 1984, credited service shall continue to accrue beyond the normal retirement date until actual retirement or until the first of the month following the member's seventieth (70th) birthday when retirement shall be mandatory. For members who were sixty-five (65) years of age or more on January 1, 1984, the mandatory retirement age shall be seventy-five (75) years of age. However, service and salary credits will not accrue after the first of the month following such member's seventieth (70th) birthday.

(Code 1961, § 14-4; Ord. No. 19-1963, 12-5-1963; Ord. No. 135, 11-7-1968; Ord. No. 189, § 6, 7-3-1973; Ord. No. 312, 9-24-1984; Ord. No. 328, 4-1-1986; Ord. No. 31, § 14-4, 12-6-2016)

Sec. 32-27. Retirement benefits, normal form and amount, early retirement benefit.

(a) The normal form of retirement benefit payable hereunder from the pension plan (whether payment commences on a normal retirement date or an early retirement date) shall be an income payable monthly to the retired member for life, commencing on the first day of the month on which the first payment is due in accordance

with the provisions hereof and ceasing with the payment due on the first day of the month in which the member's death occurs.

(b) Each member in the pension plan upon retiring on or after the member's normal retirement date shall be entitled to receive, commencing on the first day of the calendar month coincident with or next following the member's retirement date, a monthly amount of retirement benefit equal to one-twelfth ($\frac{1}{12}$) of the product of one and one-half ($1\frac{1}{2}$) percent of the member's average compensation multiplied by the member's number of years of credited service.

(c) Each member in the pension plan retiring before January 1, 1984, and before the member's normal retirement date in accordance with section 32-26 shall be entitled to receive, commencing on his or her normal retirement date, a monthly pension equal to one-twelfth of one and one-half ($\frac{1}{12}$ of $1\frac{1}{2}$) percent of the member's average compensation multiplied by the member's number of years of credited service.

(d) Each member who began participation in the pension plan prior to July 1, 2017, who holds a position that is not included in any collective bargaining agreement and who is retiring after January 1, 1984, and before the member's normal retirement date in accordance with section 32-26, shall be entitled to receive, commencing on the earlier of either the member's normal retirement date or the first day of the month following the birthday of a member which causes the sum of his or her age and number of years of service to equal eighty-five (85), a monthly pension equal to one-twelfth of one and one-half ($\frac{1}{12}$ of $1\frac{1}{2}$) percent of the member's average compensation multiplied by the member's number of years of credited service.

(e) Each member in the pension plan hired after July 1, 2017, who holds a position not included in any collective bargaining agreement, shall be entitled to receive, commencing on the member's normal retirement date, a monthly pension equal to one-twelfth of one and one-half ($\frac{1}{12}$ of $1\frac{1}{2}$) percent of the member's average compensation multiplied by the member's number of years of credited service.

(f) A member age fifty-five (55) or over and retiring prior to January 1, 1984, may elect to receive a reduced monthly amount of retirement benefit (commencing on the first day of any month on or after the member's early retirement date and before his or her normal retirement date) which shall be the monthly benefit which otherwise would commence on the member's normal retirement date reduced by one-half of one percent ($\frac{1}{2}$ of 1%) for each month by which the actual commencement of pension benefit payments precedes the normal retirement date.

(g) Each member who began participation in the pension plan prior to July 1, 2017, who holds a position that is not included in any collective bargaining agreement, who has reached at least age fifty-five (55) and is retiring after January 1, 1984, and before both the member's normal retirement date and the first day of the month following the birthday of a member which causes the sum of the member's age and number of years of service as an employee of the City to be equal to eighty-five (85) may elect to receive an early retirement benefit equal to a reduced monthly amount of retirement benefit which shall be the monthly benefit which otherwise would commence on the earlier of either a member's normal retirement date or the first day of the month following the birthday of a member which causes the sum of the member's age and number of years of service as an employee of the City of Danbury to equal eighty-five (85), reduced by one-half of one percent ($\frac{1}{2}$ of 1%) for each month by which the actual commencement of pension benefit payments precedes the earlier of either the member's normal retirement date or the first day of the month following the birthday of a member which causes the sum of the member's age and number of years of service as an employee of the City of Danbury to equal eighty-five (85).

(h) Each member who began participation in the pension plan after July 1, 2017, who holds a position that is not included in any collective bargaining agreement, who has reached at least age fifty-five (55) and is retiring before the member's normal retirement date, may elect to receive an early retirement benefit equal to a reduced monthly amount of retirement benefit which shall be the monthly benefit which

otherwise would commence on the member's normal retirement date reduced by one-half of one percent ($\frac{1}{2}$ of 1%) for each month by which the actual commencement of pension benefit payments precedes the member's normal retirement date.

(i) In lieu of the early retirement benefit specified in subsections (f), (g) or (h) of this section and provided none of the optional forms of retirement benefit described in section 32-28 is in effect, a member in the pension plan who is retiring in advance of the date on which he or she is eligible to receive his or her primary Social Security benefit may elect in writing, filed with the Board prior to the commencement of retirement benefit payments from the pension plan, a form of retirement benefit of equivalent actuarial value to the retirement benefits which would otherwise be paid to the member from the pension plan and under which he or she shall receive a greater amount of retirement benefit until the date on which it is expected he or she will become eligible to commence receiving Social Security benefit payments, and a smaller amount of retirement benefit from the pension plan or no retirement benefit from the pension plan thereafter, so that, insofar as is practicable, he or she may have a constant total amount of retirement income from the pension plan inclusive of his or her benefit payments under the Social Security Act.

(j) The election of an early retirement benefit under this section must be in writing and filed with the Board, in such form as it shall prescribe, at least sixty (60) days prior to the date benefits are to begin.

(k) If the monthly payment under this section to any person would amount to less than twenty dollars (\$20.00) the Board may cause payment to be made to such person at less frequent intervals (but not less frequently than annually) in correspondingly greater amounts; provided, however, that if the annual rate of benefit payable to any person is less than one hundred dollars (\$100.00), the Board may, at its sole discretion, direct the trustee to pay such person the then-present value of the retirement benefit in one sum

forthwith or in installments with interest over such period of time as the Board may determine.

(l) Those persons receiving pensions based on formulas in effect under this pension plan, prior to December 4, 1968, shall have their annual pensions increased by the sum of two hundred dollars (\$200.00) effective July 1, 1971. All persons retiring prior to July 3, 1973, shall have their pension increased by ten (10) percent effective September 1, 1975, and all persons retiring prior to July 3, 1973, shall have their pensions increased by an additional ten (10) percent effective September 1, 1977. All persons retiring prior to July 3, 1973, shall have their pensions increased by an additional fifteen (15) percent effective January 1, 1982.

(m) (1) Except as otherwise provided in subsection (m)(2) of this section, persons retiring from service with the City of Danbury shall have their pensions increased from time to time for increases in the cost of living, as hereinafter described. For purposes of this section, the term "base month" shall mean the month of December next preceding the July 1 on which the most recent cost of living increase in pensions became effective, but the first base month shall be December 1, 1973; the term "cost of living index" shall mean the "Consumer Price Index for Urban Wage Earners and Clerical Workers," United States city average, all items—Series A (1967-100), published by the United States Department of Labor, Bureau of Labor Statistics. Each January, commencing January 1975, the cost of living index for the next preceding December shall be divided by the cost of living index for the base month; if the quotient equals or exceeds 1.15, all pensions shall be increased by multiplying the pension currently being paid by 1.15; such increase to be effective the following July 1. Such increases in pensions shall apply to surviving beneficiaries and surviving contingent annuitants to whom benefits are payable under the terms of this article, as well as to retired members.

- (2) No employee hired after July 1, 2017, who holds a position that is not included in any collective bargaining agreement, nor any surviving beneficiary or surviving contingent annuitant of such employee, shall be eligible for any increase to his or her pension, or any payments thereof, on account of increases in the cost of living, as otherwise described in subsection (m)(1) of this section.

(n) In order to qualify for a cost of living adjustment as provided for in subsection (m) of this section, a member must have retired prior to January 1 in the year during which said cost of living adjustment became effective.

(o) A member in the retirement plan may elect to receive the normal form of retirement benefit that is available under the applicable plan document in effect for such retirement plan, if such plan document provides for a normal form of such benefit.

(Code 1961, § 14-5; Ord. No. 19-1963, 12-5-1963; Ord. No. 137, 12-4-1968; Ord. No. 166, 1-4-1972; Ord. No. 189, §§ 7—10, 7-3-1973; Ord. No. 211, 12-2-1975; Ord. No. 275, 11-5-1981; Ord. No. 312, 9-24-1984; Ord. No. 31, § 14-5, 12-6-2016)

Sec. 32-28. Optional forms of retirement benefit; beneficiaries; lump sum payment option for terminated vested members.

(a) Subject to the conditions enumerated in this section, a member in the pension plan may elect to receive any one of the following optional forms of retirement benefit from the pension plan in lieu of the normal form of retirement benefit from the pension plan to which said member would otherwise be entitled in accordance with section 32-27.

- (1) Option A: A contingent annuitant form of retirement benefit under which the member shall receive, commencing on the same date as that on which benefits would otherwise commence, and ceasing with the payment due on the first day of the month in which said member's death occurs, a reduced amount of retirement benefit; and after said member's death a

person designated by said member as his or her contingent annuitant (if such person shall survive the member) shall receive for life either the same amount of retirement benefit or, subject to the approval of the Board, a percentage thereof as specified by the member in his or her election;

- (2) Option B: A form of retirement benefit under which the member shall receive, commencing on the same date as that on which benefits would otherwise commence, and ceasing with the payment due on the first day of the month in which the member's death occurs, a reduced amount of retirement benefit; and after said member's death, if death occurs before he or she shall have received monthly retirement benefits for a period of five (5) years, ten (10) years, or fifteen (15) years, whichever the member shall elect, the beneficiary shall receive the same reduced monthly retirement benefit until monthly payments to the member and his or her beneficiary have been made for the period so elected by the member;

- (3) Option C: A single lump sum payment form of retirement benefit based on the member's retirement benefit otherwise payable in the normal form as determined in section 32-27 and commencing on his or her normal retirement date as determined in section 32-26, which lump sum shall be determined using the same actuarial assumptions that are used by the actuaries for the pension plan in the preparation by such actuaries of the most recently published valuation report for such plan that is in effect at the time of the member's lump sum election, except for the mortality basis which shall be determined on a unisex basis blended fifty (50) percent male, fifty (50) percent female. Such lump sum shall be payable to the member commencing on the applicable normal retirement date on which benefits in the normal form would otherwise commence, or at the member's

election, commencing on such earlier date but not before the later of the date the member attains age 55 or the date the member terminates employment with the employer. For purposes of determining the retired member's eligibility for other benefits, if any, payable to retirees of the employer, a retired member hired prior to January 1, 2012, who receives a lump-sum payment under this Option C shall be treated as a retiree to the same extent as if the retired member had elected or received any other form of payment under the pension plan in accordance with section 32-27 or 32-28.

- (4) Option D: Such other form of retirement benefit, payment or settlement as the Board, at its sole discretion, may approve which does not permit the deferment of benefits to the retired member and payment of all or a substantial part thereof to a beneficiary or other person upon the death of the member.
- (b) The conditions under which any one of these options may be elected are as follows:
 - (1) The member's election must be in writing and filed with the Board in such form and at such time as it shall prescribe, and shall become effective on the member's actual or normal retirement date, whichever is the earlier.
 - (2) If the employee has elected Option B or Option C in a form which provides a benefit following the member's death, he or she shall designate in writing, in such form as the Board shall require, a beneficiary to receive any retirement benefit payments to be made after said member's death. Such designation may be changed, either prior to or subsequent to the effective date of the election of such option, by a new designation.
 - (3) After an employee's actual or normal retirement date, whichever is earlier, an election of an option under this section which became effective on such date in accordance with subsection (b)(1) above

may not be rescinded, nor may the contingent annuitant under Option A be changed.

- (4) If the contingent annuitant under Option A dies before the effective date of the option, the election shall cease to be effective unless the member shall, within sixty (60) days thereafter, name a new contingent annuitant. If the beneficiary under Option B or Option D dies before the effective date of the option, the member may rescind his or her election by filing a written request therefor with the Board.
- (5) The death of a contingent annuitant under Option A, or of a beneficiary under Options B, C or D, after the effective date of the option and while a retired member is still living, shall not affect the amount of retirement benefit payable to the retired member pursuant to his or her election under this section.
- (6) The amount of retirement benefit payable under an option effective under this section shall be of equivalent actuarial value to the amount of normal retirement benefit which otherwise would have been payable to the member.

(c) Each member to whom benefits are payable under Option B, Option C (or Option D, when appropriate), shall designate a beneficiary to whom any benefits payable upon the death of such employee in accordance with such Option B, Option C (or Option D, when appropriate) shall be paid. Such member (or retired member) may also designate a contingent beneficiary, and may designate or change his or her beneficiary, or contingent beneficiary, from time to time, before or after said member's retirement, by filing a written notice thereof with the Board in such forms as shall be prescribed by it.

(d) If a beneficiary under Options B, C or D does not survive the member or the retired member for more than forty-eight (48) hours, and if no contingent beneficiary has been named by such member or retired member, the commuted value of the benefits, if any, to which his or her surviving beneficiary would have been

entitled shall be paid in one sum to the executor (executrix) or administrator (administratrix) of the estate of the deceased member or deceased retired member. If a beneficiary who survives the member or retired member for more than forty-eight (48) hours dies before receiving all payments to which he or she is entitled, the commuted value of payments due thereafter shall be paid in one sum to the executor (executrix) or administrator (administratrix) of the estate of such deceased beneficiary. Such payments shall fully discharge the liability of the plan with respect to the amount so paid.

(e) Anything herein to the contrary notwithstanding, any amount which shall become payable to the executor (executrix) or administrator (administratrix) of the estate of a deceased member, deceased retired member, or deceased beneficiary may, at the sole discretion of the Board, be paid instead to any one or more of the following surviving relatives of the deceased member, deceased retired member, or deceased beneficiary, as the case may be: wife, husband, mother, father, child (including stepchild or child by adoption) sister, or brother. Any such payment shall fully discharge the liability of the plan and trust with respect to the amount so paid.

(f) Subject to the conditions enumerated in this section, a member who is vested in the pension plan pursuant to section 32-29 who terminates his or her employment with the employer prior to reaching his or her applicable early retirement age or normal retirement age under the pension plan, may elect to receive a lump sum payment of his or her retirement benefit, calculated in the same manner as for Option C in subsection (a) of this section, except that his or her age at the time of his or her termination of employment shall be used for such lump sum calculation, which lump sum shall be payable to the member as soon as reasonably practicable after the later of such termination date and the date the member's completed election forms are returned to, and processed by, the employer. Such lump sum payment shall be in lieu of the normal form of

retirement benefit from the pension plan to which said member would otherwise be entitled in accordance with section 32-27.

(g) A member in the retirement plan may elect to receive any of the optional forms of retirement benefit that are available under the applicable plan document in effect for such retirement plan.

(Code 1961, § 14-6; Ord. No. 19-1963, 12-5-1963; Ord. No. 136, 11-7-1968; Ord. No. 141, 3-4-1969; Ord. No. 312, 9-24-1984; Ord. No. 31, § 14-6, 12-6-2016)

Sec. 32-29. Termination of employment, vesting, refund of employee contributions.

(a) In the event of the termination of employment of any member hired prior to December 31, 1983, such member shall be vested in the pension plan under the most advantageous provisions of subsections (b)(1), (b)(2), (b)(3), or (b)(4) of this section and vested in the retirement plan in accordance with subsection (b)(6) of this section. In the event of the termination of employment of any member in the pension plan hired on or after January 1, 1984, such member shall be vested only in accordance with the provisions of subsection (b)(4) of this section except as otherwise provided in subsection (b)(5) of this section. Any qualifying member in the pension plan may elect to receive early retirement benefits in accordance with the provisions of this article. Nothing herein shall be interpreted to prevent application by a qualifying member for disability retirement benefits from the pension plan in accordance with the provisions of section 32-36.

(b) In the event of the termination of employment of a member:

- (1) If said member has worked for ten (10) years he or she shall not forfeit any pension right. Membership in the pension plan shall continue and upon attainment of his or her normal retirement date he or she shall be entitled to receive a retirement benefit determined in accordance with section 32-27 and based on the member's average compensation and credited service to the date of termina-

tion. Likewise such member in the pension plan may exercise early retirement options but only after the age of fifty-five (55).

- (2) If a pension plan member's employment is terminated and said member cannot qualify under subsection (b)(1) of this section said member may qualify for a vested retirement benefit from the pension plan if the sum of his or her years of service plus said member's age at his or her last birthday totals the number fifty (50). Said member shall receive a pension from the pension plan as described in subsection (b)(1) of this section.
- (3) A member terminating before normal retirement date not qualifying under subsections(b)(1) or (b)(2) of this section loses all pension benefits from the pension plan unless he or she is rehired and can accumulate the additional service to qualify under subsections(b)(1) or (b)(2) of this section.

Persons returning to work must work a minimum of one (1) year to qualify under this subsection (b).

- (4) The benefits provided under the pension plan shall vest in accordance with the following schedule:

VESTING SCHEDULE

<i>Years of Full Employment</i>	<i>VESTED Percentage</i>
<i>Less than 5 years</i>	<i>0</i>
5	50
6	60
7	70
8	80
9	90
10	100

- (5) a. Effective as of July 1, 2011, a member who separates employment with the employer after that date with less than five (5) years of service shall be entitled to a return of his or her employee contributions to the pension plan.
- b. Effective as of July 1, 2011, a member who separates employment with the

employer after that date with more than five (5) years but less than ten (10) years of service shall have the option of receiving his/her employee contributions to the pension plan plus three (3) percent interest (or such higher rate that may be approved from time to time for a member in either the collective bargaining agreement covering such member or by approval by the City Council with respect to members holding positions that are not included in any collective bargaining agreement) in lieu of any other partially vested benefit under the pension plan provided that such member makes such irrevocable election in writing at the time of his or her separation.

- c. In the event that a member who separates service and receives a return of contributions (with or without interest as set forth in subsections (b)(5)a and (b)(5)b of this section) and the member is subsequently re-employed by the employer, the member will not receive credit for pension or retirement purposes in the pension plan or the retirement plan for any years of service prior to his or her reemployment.

- (6) The benefits provided under the retirement plan shall vest in accordance with the vesting schedule set forth in the applicable plan document in effect for such retirement plan. Any additional terms and conditions applicable to the retirement plan shall be set forth in the applicable plan document governing such retirement plan, which may include a customized or prototype or other standard plan document furnished to the City by the vendor or other service provider hired by the City to provide services with respect to such retirement plan.

(Code 1961, § 14-7; Ord. No. 19-1963, 12-5-1963; Ord. No. 189, § 11, 7-3-1973; Ord. No. 312, 9-24-1984; Ord. No. 31, § 14-7. 12-6-2016)

Sec. 32-30. Contributions by employee and employer.

(a) Contributions necessary to provide the benefits under the pension plan shall be made by the employer, and no employee as defined in section 32-22, except those non-union employees hired subsequent to January 1, 2011, shall be required to make any contributions. Those non-union employees hired subsequent to January 1, 2011 shall contribute five (5) percent of their base annual salary as defined for purposes of the pension plan, or such greater percentage as may be required in the future by the employer. Contributions shall be made to the trustee from time to time in amounts sufficient to assure the successful operation of the pension plan on a sound actuarial basis as determined by periodic actuarial computations.

(b) The employer shall pay the expenses of administering the pension plan, including any compensation of the trustee and the compensation of the actuaries.

(Code 1961, § 14-8; Ord. No. 19-1963, 12-5-1963; Ord. No. 704, 12-7-2010; Ord. No. 31, § 14-8, 12-6-2016)

Sec. 32-31. Limitation of rights of employees.

(a) Nothing contained in the plans give, or is intended to give, any employee the right to be retained in the service of the employer or interfere, or is intended to interfere, with the right of the employer to discharge or terminate the employment of any employee at any time. No employee shall have any right or claim to benefits beyond those expressly provided by the plans. All rights and claims are limited as set forth in the plan and are further limited to the extent of the funds available therefor in the hands of the trustee.

(b) No benefits payable at any time under the plan shall be subject, in any manner, to alienation, sale, transfer, assignment, pledge, attachment or encumbrance of any kind. Any attempt to alienate, sell, transfer, assign, pledge or otherwise encumber any such benefit, whether presently or thereafter payable, shall be void. No retirement benefit and no trust established in connection

with this plan shall in any manner be subject to the debts or liabilities of any member, retired member, contingent annuitant, or beneficiary entitled to any benefit, nor shall any trustee of such trust be required to make any payment toward such debts or liability. If the member, retired member, contingent annuitant or beneficiary shall attempt to, or shall alienate or encumber his or her benefits under this plan or any part hereof, or if by reason of his or her bankruptcy (voluntary or involuntary) or insolvency or by reason of any attachment or any other event happening at any time, such benefits or any part thereof would devolve upon anyone else or would not be enjoyed by said member, his or her right to receive same shall absolutely cease and terminate; provided, however, that thereafter the Board may, at its discretion, cause to be paid or applied for the support and maintenance of said member, retired member, contingent annuitant or beneficiary or for the support and maintenance of any member of his or her family, so much of said benefit, and in such shares and proportions as the Board may deem proper.

(c) In the event it shall be determined by the Board that any retired member, contingent annuitant or beneficiary is unable to care for his or her affairs due to mental or physical incapacity, any benefits payable to him or her may be paid to the spouse, parent, brother or sister, or other person deemed by the Retirement Board to have occurred expenses for such retired member, contingent annuitant or beneficiary unless prior claim thereof has been made by a duly qualified guardian or other legal representative. Any such payment shall be a payment for the account of the retired member, contingent annuitant or beneficiary, and shall be a complete discharge of any liability of the plan therefor.

(Code 1961, § 14-9; Ord. No. 19-1963, 12-5-1963; Ord. No. 189, § 12, 7-3-1973; Ord. No. 312, 9-24-1984; Ord. No. 31, § 14-9, 12-6-2016)

Sec. 32-32. Administration of the pension plan and the retirement plan.

(a) The general administration of the pension plan and the retirement plan and the responsibility for carrying out their provisions shall be

vested in a five-person Retirement Board composed of the Mayor of the City (or his or her nominee), the Director of Finance (or his or her nominee), one person appointed jointly by the Mayor and the Director of Finance, one person who is a representative of the Danbury Municipal Employees Association and one person who is a representative of the International Brotherhood of Teamsters, Local #677. A Board member may be replaced at any time by the person or persons or the union who appointed said member. A person appointed a member of such Board shall serve without compensation and shall signify his or her acceptance in writing. A Board member may resign by delivering a written resignation to the Board and such resignation shall become effective upon its delivery or at any later date specified therein. If at any time there shall be a vacancy in the membership of the Board, the remaining member or members shall continue to act until such vacancy is filled by action of the Mayor or the Director of Finance of the City, by the two (2) of them jointly or by the applicable union whose representative has resigned from the Board.

(b) The Board shall appoint from among its members a chairperson, and shall appoint as secretary a person who may, but need not, be a member of the Board or eligible for benefits under the pension plan or the retirement plan.

(c) The Board shall hold meetings upon such notice, at such place or places, and at such times as its members may from time to time determine. A simple majority of the members at the time in office shall constitute a quorum for the transaction of business. All action taken by the Board at any meeting shall be by vote of the simple majority of those present at such meeting, but the Board may act without a meeting by unanimous action of its members evidenced by a resolution or other writing signed by all of the members of the Board.

(d) Subject to the terms of the pension plan and retirement plan, the Board may from time to time adopt bylaws, rules and regulations for the administration of each plan and the conduct and transaction of its business affairs.

(e) The Board shall have such power as may be necessary to discharge its duties hereunder, including, but not limited to, the power to interpret and construe the pension plan and retirement plan, to determine all questions of eligibility, duration of credited service, dates of birth, membership and retirement, computation of benefits, value of benefits, and similarly related matters for the purposes of the each plan, and the Board's determination of all questions arising under the pension plan and the retirement plan shall be binding upon all employees, members, retired members, or any others concerned.

(f) The Board shall employ an actuary at such times as are necessary and the Board may retain or consult counsel and may employ such clerical, medical, accounting, actuarial, administrative or consulting services as it deems expedient in carrying out the provisions of the pension plan or the retirement plan.

(g) The Board shall require each member to submit to it, in such form as it shall deem reasonably adequate and acceptable, proof of age or date of birth and that of his or her contingent annuitant if such member shall elect Option A under the pension plan.

(h) The Board shall keep such records and minutes of its proceedings and actions as it deems appropriate. It shall also maintain accounts showing the fiscal transactions of the pension plan and the retirement plan and shall keep in convenient form such data as may be necessary for the actuarial valuation of the assets and liabilities of the pension plan and for the records and reports relating to the retirement plan. The Board shall prepare annually a report for each plan to the City Council showing in reasonable detail the assets and liabilities and a brief account of the operation for the preceding year. It shall keep a copy of the pension plan and the retirement plan in the office of the Mayor and the Comptroller of the City available for inspection by members and retired members, and shall permit any member or retired member in the pension plan or any member or retired member

in the retirement plan to examine such of its records as are material to his or her rights and benefits hereunder.

(i) The Board, or its authorized agent, shall direct the trustee or vendor concerning all payments which are to be made out of the fund pursuant to the pension plan or the retirement plan, and all terminations of such payments.

(j) The Board may authorize one or more of its members, officers or agents to sign on its behalf any instructions of the Board to the trustee or vendor and the trustee and/or vendor will be fully protected in action thereon.

(k) The members of the Board shall use ordinary care and reasonable diligence in the performance of their duties, but no member shall be personally liable for any error of omission or commission unless such error results from gross negligence, willful misconduct or lack of good faith; nor shall any member be personally liable for any act of any other member or members.

(l) Operation and administration expenses of the Board shall be paid by the employer. The employer shall reimburse members of the Board for all necessary expenses. The secretary of the Board shall be entitled to such compensation, if any, as the Board shall from time to time direct.

(m) Neither the Board, nor the employer, shall be responsible for any reports furnished by the actuary or any other consultant or vendor employed by the Board, but shall be entitled to rely thereon as well as on all tables, valuations and certificates furnished by such actuary, consultant or vendor, and on all opinions of counsel. The Board, the employer and the trustees shall be fully protected with respect to any action taken or suffered by them in good faith and reliance upon any such actuary, accountant or counsel, and all actions taken and suffered in such reliance shall be binding between, and without liability to, each of them and to each and all members, contingent annuitants or beneficiaries under the pension plan or retirement plan or under a trust agreement made a part hereof. Neither the employer, nor the trustee of any trust established hereunder in connection with the funding of the pension plan or retire-

ment plan, shall be liable hereunder, or under any trust agreement entered into hereunder, for any error of omission or commission unless such error results from its own gross negligence, willful misconduct or lack of good faith; and neither the employer nor any trustee shall be liable hereunder for any error of omission or commission of any attorney or agent unless in the selection of such attorney or agent it was guilty of gross negligence, willful misconduct, or lack of good faith.

(Code 1961, § 14-10; Ord. No. 19-1963, 12-5-1963; Ord. No. 102, 5-2-1967; Ord. No. 189, § 13, 7-3-1973; Ord. No. 312, 9-24-1984; Ord. No. 413, 3-5-1991; Ord. No. 31, § 14-10, 12-6-2016)

Sec. 32-33. Amendment to, termination of, or discontinuance or suspension of employer contributions to pension plan or retirement plan.

(a) The employer reserves the right to modify or amend the pension plan or retirement plan or any of their provisions by delivery to the Retirement Board of a certified copy of the vote of the City Council making such modification or amendment; provided, however, that no such modification or amendment shall be made which would:

- (1) Increase the duties or liabilities of the trustee without its written consent;
- (2) Divest a member of any interest hereunder that has accrued to him or her; or
- (3) Cause or permit any portion of the trust fund or other fund comprising the plan to be converted to or become the property of the employer prior to the satisfaction of all liabilities with respect to such plan;

unless such modification or amendment is necessary or appropriate to enable the plan or trust or fund to qualify under section 401 of the Internal Revenue Code as from time to time amended or under any corresponding section of the Internal Revenue Code as hereafter enacted.

(b) In the event the pension plan at any time shall be terminated in whole or in part or contributions under the pension plan shall be discontinued, the value of the assets of the trust

fund shall be determined. Such assets shall then be used in such way that each of the following provisions shall be given full effect before any later provision is carried out and in such way that if, in the carrying out of a provision, the value of the property remaining in the trust fund of the pension plan is insufficient to carry out such provision in full, the property available therefor shall be applied in the same proportions as the allocation which would be made if such property were sufficient to carry out the provisions in full:

- (1) To provide the retirement benefits under the pension plan still to be paid to any retired member, or contingent annuitant, or beneficiary of a deceased retired member.
- (2) To provide the retirement benefits under the pension plan which have accrued to members who have reached their normal retirement dates or who have reached the first day of the month following the birthday which causes the sum of their age and number of years of service as an employee of the City of Danbury to equal eighty-five (85) and who have not retired.
- (3) To provide the retirement benefits under the pension plan which have accrued to members who have reached a date upon which they could terminate employment without forfeiting all interest in the trust fund in accordance with section 32-29 .
- (4) If there is a balance of the fund remaining after the allocations provided for in subsections (b)(1), (b)(2) and (b)(3) of this section, to allocate such balance among the remaining members in the pension plan, the allocation to each such remaining member being in the proportion to which the then present value, actuarially computed, of the amount of normal retirement benefit which is accrued to his or her account for credited service to the date of termination of the pension plan or discontinuance of contributions to the pension plan bears to the then present value of the amount of normal retirement benefit under the pension plan

which has so accrued to the account of all such members in the pension plan, but not in excess of one hundred (100) percent of the then present value of any member's retirement benefit under the pension plan.

- (5) To return to the employer any balance which shall remain after all liabilities under the pension plan with respect to retired members, members, contingent annuitants and beneficiaries under the pension plan have been fully satisfied as hereinbefore provided.

(c) The value of the retirement benefits under the pension plan and the amount of actuarial reserves required to provide such retirement benefits shall be determined by the actuaries in accordance with section 32-35.

(d) The Retirement Board may direct that the allocation so found to be due any person under the pension plan shall be:

- (1) Paid to him or, her as a retirement benefit through the continuance of the existing trust fund or a replacing trust fund;
- (2) Used to purchase an annuity contract from an insurance company for his or her benefit; or
- (3) Paid to him or her in cash forthwith or in installments over such period of time as the Retirement Board, at its sole discretion, may determine.

(e) A temporary discontinuance of contributions by the employer to the pension plan or the retirement plan shall not be construed as, nor constitute, discontinuance of contributions for the purpose of the pension plan or the retirement plan.

(Code 1961, § 14-11; Ord. No. 19-1963, 12-5-1963; Ord. No. 189, §§ 14, 15, 7-3-1973; Ord. No. 312, 9-24-1984; Ord. No. 31, § 14-11, 12-6-2016)

Sec. 32-34. Provision to prevent discrimination in the pension plan.

(a) If within ten (10) years after the effective date of the pension plan, the plan is terminated, contributions discontinued by the employer, or

the full current costs are not met, then, anything herein to the contrary notwithstanding, the contributions of the employer hereunder which may be used for the benefit of any member in the pension plan, who on the effective date of the pension plan is among the twenty-five (25) highest paid employees, but excluding any member in the pension plan whose annual retirement benefit, estimated on the basis of his compensation for the calendar year 1962, will exceed fifteen hundred dollars (\$1,500.00) shall not exceed the greater of:

- (1) Twenty thousand dollars (\$20,000.00); or
- (2) The amount obtained by multiplying twenty (20) percent of the first fifty thousand dollars (\$50,000.00) of the average compensation received from the employer by such member for the five (5) consecutive years preceding the occurrence of such event by the number of years between the effective date of the pension plan and the occurrence of such event.

(b) If within ten (10) years after the effective date of the pension plan, the pension plan is terminated or the full current costs are not met, then, no member who is within the class described above shall thereafter receive benefits hereunder in excess of those provided in the foregoing paragraph.

(c) If the provisions of this section shall become operative because of the failure of the employer to meet the full current costs of the pension plan and thereafter contributions of the employer shall be made in an amount sufficient to meet such costs, the excess of the aggregate amount of the benefits which would have been paid if such full current costs had at all times been met, over the aggregate amount of the benefits which had been paid, shall be paid in a lump sum to the members in the pension plan who would have been entitled to receive them.

(d) These conditions shall not restrict the full payment of benefits to the contingent annuitant or beneficiary of any retired member in the pension plan who dies while the pension plan is in full effect and full current costs have been met.

(e) For the purpose of this section, the full current costs of the pension plan shall be deemed to be met at any time if the unfunded accrued liability at that time does not exceed the initial unfunded accrued liability of the pension plan as determined by the actuary.

(f) In the event that it shall be determined by statute, court decision, or otherwise that the provisions of this section are no longer necessary to qualify the pension plan under the Internal Revenue Code, this section shall be ineffective without amendment to the pension plan. (Ord. No. 31, § 14-12, 12-6-2016)

Sec. 32-35. Funding of the pension plan, actuarial computations related thereto; funding of the retirement plan.

(a) To carry out the provisions of the pension plan, the employer shall enter into a trust agreement with a trust company or insurance company, and such trust agreement shall become a part of the pension plan. The trustee shall receive contributions made by the employer to such fund pursuant to the pension plan, invest, reinvest and administer the assets of such fund, and make distributions therefrom in accordance with the terms and provisions of the pension plan and of such trust agreement.

(b) The Retirement Board may remove the trustee or any succeeding trustee acting hereunder at any time, or the trustee may resign at any time, upon due notice in writing each to the other, the effective date of such removal or resignation to be that provided for in the trust agreement.

(c) The Retirement Board reserves, at its sole discretion, the right to determine and change the method of funding of the pension plan hereunder and the time of making and amount of its contributions and all other matters relating to the financing of the pension plan.

(d) All necessary actuarial computations and allocations of liabilities and contributions relating to the pension plan shall be made by or under the supervision of an actuary retained by the Board using such rate of interest, mortality and

other actuarial components, and according to such methods of computation and allocations as the Board, with the advice of the actuaries, shall deem proper.

(e) To carry out the provisions of the retirement plan, the employer and the employees who are members in the retirement plan shall make contributions into the retirement plan in accordance with the terms of such retirement plan, which contributions shall be allocated into member accounts in such retirement plan, pursuant to which members in such retirement plan shall have the right to self-direct the investment of their accounts in such retirement plan from the fund choices available on the investment fund lineup in effect for such retirement plan, in accordance with the terms and conditions of the retirement plan document referred to in section 32-40 and any other related trust agreement or other contract funding document applicable to such retirement plan.

(Code 1961, § 14-13; Ord. No. 19-1963, 12-5-1963; Ord. No. 189, §§ 16, 17, 7-3-1973; Ord. No. 31, § 14-13, 12-6-2016)

Sec. 32-36. Disability retirement.

A member in the pension plan who is in receipt of a disability income payable under the Federal Social Security Act shall be entitled to a disability retirement benefit from the pension plan hereunder in accordance with the following regulations:

- (1) Disability retirement benefit payments shall commence on the first day of the month coincident with or next following the date upon which the member is entitled to a disability income payment under the federal Social Security Act.
- (2) Disability retirement benefits shall be discontinued on the date upon which disability income payments under the federal Social Security Act are discontinued.
- (3) A member who is in receipt of a disability benefit under this section shall, upon attaining his or her normal retirement date, be entitled to a normal retirement benefit of the same amount as his or her disability retirement benefit.
- (4) For each member who retires from the pension plan under this section, the monthly amount of disability retirement benefit shall be equal to one-twelfth of one and one-half ($\frac{1}{12}$ of $1\frac{1}{2}$) percent of said member's average compensation multiplied by the number of years of credited service prior to the date of disability. For each member who retired under this section prior to January 1, 1975, the monthly amount of disability retirement benefit shall be reduced by one-half of one ($\frac{1}{2}$ of 1) percent for each month by which the actual commencement of disability retirement benefit payments preceded the member's normal retirement date. For each member who retired under this section on or after January 1, 1975, and prior to January 1, 1983, the monthly amount of disability retirement benefit shall be reduced by the lesser of:
 - a. The reduction described in the immediately preceding sentence; or
 - b. A reduction so that the amount of benefit shall be of equivalent actuarial value to the amount of benefit which otherwise would have been payable commencing on the member's normal retirement date.
- (5) A member whose disability retirement benefit from the pension plan has been discontinued and who immediately returns to employment shall, upon subsequent retirement, be entitled to a retirement benefit from the pension plan computed in accordance with section 32-27 based upon said member's compensation and years of membership in the pension plan exclusive of the period during which he or she was in receipt of a disability retirement benefit.
- (6) This section shall apply retroactively to any employee who, prior to the enact-

ment of Ordinance No. 141 or 142, was receiving Social Security disability benefits after July 1, 1968.

(Code 1961, § 14-14; Ord. No. 141, 3-4-1969; Ord. No. 142, 4-1-1969; Ord. No. 209, 12-2-1975; Ord. No. 312, 9-24-1984; Ord. No. 31, § 14-14, 12-6-2016)

Sec. 32-37. Retirement Incentive Program.

(a) The City of Danbury hereby adopts the 2005 Retirement Incentive Program ("Program").

(b) Those eligible for this Program include only active employees of the City of Danbury who are:

- (1) Participants in the General Employees Pension Plan;
- (2) Who have at least fifteen (15) years of credited service in the pension plan; and
- (3) Are not represented by a union.

The term "credited service" shall be as defined in section 32-22. This Program shall not apply to individuals currently receiving a pension or previously retired under the City Charter or under a current or prior collective bargaining agreement.

(c) Eligible employees shall elect their participation in the Program no later than March 31, 2006, by submitting a written election to the Director of Finance. Such election to retire under this offering shall be irrevocable after March 31, 2006. The retirement date and the last day of work for individuals so electing shall be:

- (1) Not earlier than May 1, 2006; and
- (2) Not later than June 30, 2006. An employee that has not elected an optional form of benefit within the timeframe specified by section 32-28, and desires to make such an election, must do so within ten (10) days of submitting his election to retire under the terms of this Program.

(d) An employee who is interested in electing participation in the Program should schedule a personal review meeting with the finance department staff as soon as possible. Although the City will make a reasonable effort to identify and

notify all eligible employees, it is ultimately the employee's responsibility to investigate whether they are eligible.

(e) An employee who retires under this Program shall receive the following benefits: For an employee who, as of June 30, 2006 has or will have:

- (1) Attained age fifty-one (51); and
- (2) Completed at least fifteen (15) years of credited service under the pension plan, the benefit formula will be increased from one and one-half (1½) percent to two (2) percent and there shall be no actuarial reduction for retirement prior to normal retirement age applied to such pension benefit. The applicable actuarial reduction for any optional form of benefit selected by the employee shall apply.

(f) The City reserves its right to cancel or withdraw this Program for any reason whatsoever, provided the City makes a written election to do so no later than April 30, 2006, and so notifies those who elected to participate in accordance with subsection (c) of this section. In the event that the City cancels or withdraws this Program, an employee who has made an election to participate under subsection (c) of this section shall have the right to withdraw his application for retirement, by written notice to the Director of Finance.

(Code 1961, § 14-15; Ord. No. 586, 1-21-2003; Ord. No. 628, 8-3-2004; Ord. No. 649, 1-19-2006)

Sec. 32-38. 2009 Retirement Incentive Program.

(a) The City of Danbury hereby adopts the 2009 Retirement Incentive Program ("Program") for non-union employees of the City and the City of Danbury Board of Education.

(b) Those eligible for the Program include only active full-time employees who are:

- (1) Participants in the General Employee Pension Plan; and
- (2) Have at least ten (10) years of credited service.

(c) The term "credited service" shall be as defined in section 32-22.

(d) This Program shall not apply to individuals currently receiving a pension or previously retired under the City Charter or under a current or prior collective bargaining agreement.

(e) Eligible employees shall elect their participation in the Program no later than April 16, 2009, by submitting a written election to the City of Danbury Director of Finance. Such election to retire under this offering shall be irrevocable after April 16, 2009. The retirement date shall be July 1, 2009 and the last day of work for individuals so electing shall be June 30, 2009. An employee who has not elected an optional form of benefit within the timeframe specified by this section and desires to make such an election must do so within five (5) days of submitting his election to return under the terms of this Program.

(f) An employee who is interested in electing participation in the Program should schedule a personal review meeting with the City of Danbury Finance Department staff as soon as possible to determine eligibility and benefits. It is the employee's responsibility to investigate whether he is eligible.

(g) An employee who retires under this Program shall receive the following benefits: For an employee who, as of June 30, 2009:

- (1) Has or will have a combined total in age and credited years of service of 80 (Rule of 80); and
- (2) Completed at least ten (10) years of credited service under the pension plan, the benefit formula will be increased from one and one-half (1½) percent to two (2) percent and there shall be no actuarial reduction for retirement prior to normal retirement age applied to such pension benefit. The applicable actuarial reduction for any optional form of benefit selected by the employee shall apply.

(Ord. No. 698, § 14-16, 5-5-2009)

Sec.; 32-39. 2013 Retirement Incentive Program.

(a) The City of Danbury hereby adopts the 2013 Retirement Incentive Program ("Incentive Program") for non-union employees of the City, excluding the City of Danbury Board of Education.

(b) Those eligible for the Incentive Program include only full-time active employees who meet the following criteria:

- (1) Are participants in the General Employees Pension Plan (GEPP); and
- (2) Whose age and years of credited service are equal to at least 75 as of June 30, 2013.

(c) The Incentive Program shall not apply to individuals currently receiving a pension or previously retired under the GEPP.

(d) Eligible employees shall elect participation in the Incentive Program no later than June 13, 2013, by submitting a written election to the City of Danbury Director of Finance. Such election to retire under this offering shall be irrevocable after June 13, 2013. The retirement date of an eligible employee shall be effective July 1, 2013. An employee must elect one of the optional forms of benefit as follows: life annuity, monthly annuity, full lump sum, or combination payment (lump sum and annuity payment) at the time he or she elects to retire, no later than June 13, 2013.

(e) An employee who is interested in electing participation in the Program should schedule a personal review meeting with the City's Finance Department staff as soon as possible to determine eligibility and benefits. It is the employee's responsibility to investigate whether he is eligible.

(f) An employee who retires under this Incentive Program shall receive the following benefits:

- (1) Employee credited service award: one thousand dollars (\$1,000.00) for each year of credited service, payable to the retiree as a lump sum and subject to applicable state and federal taxes or into a tax qualified retirement account or plan; and

- (2) An option to receive their retirement benefits in accordance with one of the following:
 - a. Life annuity pursuant to section 32-27;
 - b. Lump sum;
 - c. Monthly annuity in accordance with section 32-28; or
 - d. "Combination" payment: lump sum and monthly annuity.
 - (3) Payment for unused sick and vacation time, if any, in accordance with the terms of the City Non-Union Handbook and City Council Resolution, payable to the retiree as a lump sum and subject to applicable state and federal taxes or into a tax qualified retirement account or plan; and
 - (4) Retiree health and life insurance benefits in accordance with the terms of the City Non-Union Handbook and City Council Resolution, provided that the retiree meets any and all of the criteria set forth therein to qualify for such benefits.
- (Ord. No. 4, 5-7-2013)

Sec. 32-40. Election of retirement plan by employees not covered by any collective bargaining agreement.

(a) The provisions of this article notwithstanding, the following shall apply to an employee hired on or after July 1, 2017 into a position that is not included in any collective bargaining agreement.

- (1) Any such person who meets the definition of employee as set forth in section 32-22 shall have the option to enroll in one of the following retirement plans:
 - a. the pension plan referenced in Section 32-22, set forth in sections 32-21 through and including 32-39, as such pension plan may be amended from time to time;

- b. the retirement plan referenced in section 32-22, as such retirement plan may be amended from time to time.
- (2) Said option must be exercised, in writing, on a form provided by the employer, within sixty (60) days of the employee's first day of employment;
- (3) An employee who fails to make an election shall automatically be enrolled in the pension plan effective and retroactive to the first day of the month following the employee's first day of full-time employment;
- (4) An election to enroll in the retirement plan shall constitute an irrevocable waiver of the employee's right to participate in or receive any benefit from the pension plan;
- (5) At all times during the employee's participation in the retirement plan, the employee shall be required to make mandatory contributions into the retirement plan as required by the employer, determined as a percentage set by the employer of the employee's compensation in such year, as further specified in the plan document governing such retirement plan.

(b) The provisions of this article notwithstanding, the following shall apply to an employee hired prior to July 1, 2017, who holds a position that is not included in any collective bargaining agreement, provided that the employee has reached age sixty-two (62).

- (1) Any such employee may elect to opt out of further participation in the pension plan, and as a result of such election receive during such employment a distribution payable from the pension plan in the form of a single lump sum amount; which lump sum amount shall be equal to the actuarial equivalent of the employee's accrued benefit in the pension plan (earned as of the time of such election to opt out). Such actuarial equivalent and lump sum amount shall

be determined using the same actuarial assumptions that are used by the actuaries for the pension plan in the preparation by such actuaries of the most recently published valuation report for such pension plan that is in effect at the time of the member's lump sum election, except for the mortality basis which shall be determined on a unisex basis blended fifty (50) percent male, fifty (50) percent female. An employee receiving a lump sum distribution pursuant to this subsection (b)(1) of this section may choose to roll over such lump sum to the extent permitted under the Internal Revenue Code into an eligible retirement plan as defined in section 402(c)(8)(b) of the Internal Revenue Code, including but not limited to the retirement plan.

- (2) Upon the effective date of such election to opt-out, the employee thereafter shall participate in the retirement plan, and at all times during such participation, the employee shall be required to make mandatory contributions for each year, determined as a percentage of the employee's compensation in such year, into the retirement plan that is at least equal to the percentage used to determine such employee's mandatory contributions, if any, to the pension plan, as further referenced in section 32-30.
- (3) Such election to opt-out must be made in writing, on a form provided by the employer, at least sixty (60) days prior to the proposed effective date of the election.
- (4) An election to opt-out under this subsection (b) of this section and receive a lump-sum distribution and enroll in the retirement plan shall constitute an irrevocable waiver of the employee's right to further participate in or receive any further benefit from the pension plan.
- (5) For purposes of determining a retired member's eligibility for other benefits, if any, payable to retirees of the employer, a retired member hired prior to January 1,

2012, who receives a lump-sum payment from the retirement plan shall be treated as a retiree to the same extent as if such retired member had elected or received an annuity form of payment, or payment in the form of periodic installments, from such retirement plan.

- (6) For purposes of determining a member's vested status under the retirement plan's vesting schedule specified in the plan document governing such retirement plan, such member's years of service under the pension plan at the time of such member's opt-out from the pension plan shall be counted as vesting service of the member under the retirement plan.

(c) The provisions of this article notwithstanding, the following shall apply to an employee hired prior to July 1, 2017, who holds a position that is not included in any collective bargaining agreement, and who has not reached age sixty-two (62).

- (1) Any such employee may elect to opt out of further participation in the pension plan, and as a result of such election the actuarial equivalent of the employee's accrued benefit in the pension plan (earned as of the time of such election to opt out) shall automatically be transferred in the form of a lump-sum amount directly from the pension plan to the retirement plan. Such actuarial equivalent and lump sum amount shall be determined using the same actuarial assumptions that are used by the actuaries for the pension plan in the preparation by such actuaries of the most recently published valuation report for such pension plan that is in effect at the time of the member's lump sum election, except for the mortality basis which shall be determined on a unisex basis blended fifty (50) percent male, fifty (50) percent female.
- (2) Upon the effective date of such election to opt-out, the employee thereafter shall participate in the retirement plan, and at all times during such participation, the employee shall be required to make

mandatory contributions for each year, determined as a percentage of the employee's compensation in such year, into the retirement plan that is at least equal to the percentage used to determine such employee's mandatory contributions, if any, to the pension plan, as further referenced in section 32-30.

- (3) Such election to opt-out must be made in writing, on a form provided by the employer, at least sixty (60) days prior to the proposed effective date of the election.
- (4) An election to opt-out under this subsection (c) of this section, and the resulting automatic transfer in the form of a lump-sum amount of the actuarial equivalent, which are calculated using exactly the same method and actuarial assumptions that are used in subsection (c)(1) of this section, of the employee's accrued benefit in the pension plan (earned as of the time of such election to opt out) from the pension plan to the retirement plan and the employee's enrollment in the retirement plan shall constitute an irrevocable waiver of the employee's right to further participate in or receive any further benefit from the pension plan set forth in sections 32-21 through and including 32-39.
- (5) For purposes of determining a retired member's eligibility for other benefits, if any, payable to retirees of the employer, a retired member hired prior to January 1, 2012, who receives a lump-sum payment from the retirement plan shall be treated as a retiree to the same extent as if such retired member had elected or received an annuity form of payment, or payment in the form of periodic installments, from such retirement plan.
- (6) For purposes of determining a member's vested status under the retirement plan's vesting schedule specified in the plan document governing such retirement plan, such member's years of service under the pension plan at the time of such member's

opt-out from the pension plan shall be counted as vesting service of the member under the retirement plan.

(d) The provisions of this article notwithstanding, the following shall apply to an employee hired on or after July 1, 2017, into a position that is not included in any collective bargaining agreement, who is enrolled in the pension plan in accordance with subsection (a) of this section.

- (1) Provided that the employee has reached age sixty-two (62), any such employee may elect to opt out of further participation in the pension plan, in accordance with the terms and conditions set forth in subsection (b) of this section.
- (2) Provided that the employee has not reached age sixty-two (62), any such employee may elect to opt out of further participation in the pension plan, in accordance with the terms and conditions set forth in subsection (c) of this section.

(e) Any additional terms and conditions applicable to the retirement plan shall be set forth in the applicable plan document governing such retirement plan, which may include a customized or prototype or other standard plan document furnished to the City by the vendor or other service provider hired by the Board or the City to provide services with respect to such retirement plan, as such plan document may be amended or modified from time to time.

(Ord. No. 31, § 14-18, 12-6-2016)

Secs. 32-41—32-64. Reserved.

ARTICLE III. FIRE DEPARTMENT

Sec. 32-65. Purpose and effective date.

Pursuant to C.G.S. § 7-450, which allows a pension plan to be established by ordinance, and pursuant to the collective bargaining agreement between the City of Danbury and the union representing the firemen of Danbury, a pension plan is hereby established for all those regular paid members of the Danbury Fire Department

who are listed in section 32-69. The effective date of the ordinance from which this pension plan is derived is July 1, 1967.

(Code 1961, § 14-25; Ord. No. 199, § 1, 4-2-1974)

Sec. 32-66. Fund created; assets; assessments; appropriations by the City.

(a) There shall be in the City of Danbury a fund to be known as the 1967 Firefighters Pension Fund of Danbury, to consist of such sums of money as shall be appropriated or designated to said fund by the City of Danbury, and such sums of money as are assessed against the salaries of the members of said Fire Department.

(b) Assessments required under this fund shall be made by the Board of Directors of said fund on the salaries of such members of said Fire Department at the rate of five (5) percent per annum, payable weekly and to be deducted from their salaries by the City treasurer.

(c) There shall be appropriated by the City of Danbury each year for the fund, amounts equal to the total amount of assessments of the salaries of such members of said Fire Department during the preceding fiscal year.

(d) There shall also be appropriated annually by the City of Danbury such additional sums of money as are necessary to keep this fund operating on a funded, actuarial basis.

(Code 1961, § 14-26; Ord. No. 199, § 2, 4-2-1974; Ord. No. 405, 11-8-1990)

Sec. 32-67. Members of the Board of Directors; duties of President, Secretary.

(a) The Board of Directors of the 1967 Firefighters Pension Fund shall consist of the Mayor, the Director of Finance, one (1) member of the City Council selected by the Council and three (3) employee members of the Fire Department. The Board of Directors shall elect its President and a Secretary on May 1 of each odd-numbered year.

(b) The three (3) employee members of the Board of Directors shall be elected, hereafter, to the Board of Directors at a regular meeting of the Danbury Professional Fire Fighters, Local

801, IAFF (the "Union"), to be held on the second Monday of April. Those members of the Fire Department who are not members of the bargaining unit represented by the union but are members of the firefighters pension system, shall be notified of all pension meetings and shall be permitted to vote for members of the Board of Directors. In each odd-numbered year, two (2) employee members of the Board of Directors shall be elected for a two-year term and until their successors have been elected. In each even-numbered year, one (1) employee member of the Board of Directors shall be elected for a two-year term and until his successor has been elected. At all times there shall be three (3) employee members of the fire pension board. Each elected member shall assume office on May 1 of the year of election. Any vacancy in an employee director position shall be filled in the same manner within six (6) days after posting of the vacancy for a period of seven (7) days in all Fire Department Stations and Fire Department Headquarters.

(c) The President of the Board of Directors shall draw all orders upon such fund, which orders shall be countersigned by the Secretary of the Board of Directors, who shall be chosen by said Directors. Said Secretary shall keep a record of the proceedings of said Board of Directors and of all actions taken by it in regards to said fund. (Code 1961, § 14-27; Ord. No. 199, § 3, 4-2-1974; Ord. No. 413, 3-5-1991; Ord. No. 630, 12-7-2004)

Sec. 32-68. Reports by the Board of Directors; funding and investments; actuarial computations.

(a) Said Board of Directors shall report to the City Council yearly the condition of said fund with all of the items of receipts and disbursements on account thereof.

(b) To carry out the provisions of this article, the Board of Directors of said fund is authorized to enter into trust agreement with any banking or trust company authorized to do business under the banking laws of the State of Connecticut or with any insurance company authorized to do business in the State of Connecticut, and such trust agreement shall become a part thereof. The trustee shall receive contribu-